

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Wednesday, the 7th August 1929.

The House met at 11 o'clock, Mr. President (the hon. Rao Bahadur C. V. S. NARASIMHA RAJU Garu) in the Chair.

PRESENT:

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| Usman Sahib Bahadur, <i>Kt.</i> , The hon. Khan Bahadur Sir Muhammad. | Khadir Mohidin Sahib Bahadur, Muhammad. |
| Moir, K.C.I.E., C.S.I., I.C.S., The hon. Sir Thomas. | Khalif-ullah Sahib Bahadur, Khan Bahadur P. |
| Krishnan Nayar, The hon. Diwan Bahadur M. Campbell, C.S.I., C.I.E., O.B.E., V.D., I.C.S., The hon. Mr. A. Y. G. | Koti Reddi, Mr. K. |
| Subbarayan, The hon. Dr. P. | Krishnan, Mr. K. |
| Muthiah Mudaliyar, The hon. Mr. S. | Krishnaswami Nayakar, Mr. K. V. |
| Seturatnam Ayyar, The hon. Mr. M. R. | Kumaraswami Reddiyar, Diwan Bahadur S. |
| Abdul Hameed Khan Sahib Bahadur. | Kuppuswami Mr. J. |
| Abdul Hye Sahib Bahadur, K. | Leach, I.C.S., Mr. A. G. |
| Abdul Razaek Sahib Bahadur, Khan Bahadur S. K. | Leach, Mr. A. J. |
| Adinarayana Chettiyar, Mr. T. | Madhavan Nayar, Mr. K. |
| Ahmed Miran Sahib Bahadur, Moulvi Hafiz Anumanthakudi Mustafa. | Maharaja of Jaipur. |
| Anjaneyulu, Mr. P. | Maharaja of Pithapuram. |
| Appavu Chettiyar, Mr. C. D. | Mahmud Sohamnad Sahib Bahadur |
| Ari Gowder, Mr. H. B. | Mallayya, Dr. B. S. |
| Arogyaswami Mudaliyar, Diwan Bahadur R. N. | Manikkavelu Nayakar, Mr. M. A. |
| Arpudaswami Udayar, Mr. S. | Marudavanam Pillai, Mr. C. |
| Achutan, Mr. A. | Moidu Sahib Bahadur, Khan Sahib T. M. |
| Basheer Ahmad Sayeed Sahib Bahadur. | Maniswami Nayudu, Rao Bahadur B. |
| Bhanoji Rao, Mr. A. V. | Maniswami Pillai, Mr. V. I. |
| Bheemayya, Mr. J. | Muppil Nayar of Kavalappara <i>alias</i> Kumaran Raman, The |
| Biswanath Das Mahasayo, Sriman. | Murugappa Chettiyar, Diwan Bahadur A. M. M. |
| Chidambaranatha Mudaliyar, Mr. T. K. | Muthulakehmi Reddi, Dr. (Mrs.). |
| Cotterell, C.I.E., I.C.S., Mr. O. B. | Muthuranga Mudaliyar, Mr. C. N. |
| Davis, O.B.E., Mr. J. A. | Nagan Gowda, Mr. R. |
| Dorai Raja, Mr. S. N. | Nanjappa Bahadur, Subadar-Major S. A. |
| Ethirajulu Nayudu, Diwan Bahadur P. C. | Narayana Raju, Mr. D. |
| Foulkes, Mr. R. | Narayana Rao, Mr. Mothay. |
| Gangadhara Siva, Mr. M. V. | Narayanan Naumbudripad, Rao Bahadur O. M. |
| Gnanavaram Pillai, Mr. P. J. | Narayanaswami Pillai, Mr. T. M. |
| Gopala Menon, Mr. C. | Parasrama Rao Pantulu, Mr. A. |
| Govindaraja Mudaliyar, Mr. C. S. | Parthasarathi Ayyangar, Mr. C. R. |
| Gray, O.B.E., I.C.S., Mr. J. | Patro, <i>Kt.</i> , Rao Bahadur Sir A. P. |
| Hampayya, Rai Sahib M. | Premayya, Mr. G. R. |
| Harisarvottama Rao, Mr. G. | Rajan, Mr. P. T. |
| Hearson, Mr. H. F. P. | Ramachandra Padayachi, Mr. K. |
| Hilton Brown, I.C.S., Mr. | Rumachandra Reddi, Mr. B. |
| James, Mr. F. E. | Ramamurti, I.C.S., Mr. S. V. |
| John, Mr. V. Ch. | Raman Menon, Mr. K. P. |
| Kaleswara Rao, Mr. A. | Ramanath Goenka, Mr. |
| Kameswara Rao Nayudu, Mr. V. | Ramasomayajulu, Mr. C. |
| Karant, Mr. K. K. | Ramjee Rao, Mr. V. |
| Kesava Pillai, C.I.E., Diwan Bahadur P. | Ramaswami Ayyar, Mr. U. |
| | Ranganatha Mudaliyar, Mr. A. |
| | Rathnasabapathi Mudaliyar, Rao Bahadur C. S. |
| | Robertson, Mr. R. J. C. |

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PRESENT—cont.

Saldanha, Mr. J. A.
 Sami Venkatachalam Chetti, Mr.
 Sarabha Reddi, Mr. K.
 Satyamurti, Mr. S.
 Shetty, Mr. A. B.
 Sitarama Reddi, Rao Bahadur K.
 Siva Raj, Mr. N.
 Siva Rao, Mr. P.
 Soundarapandian, Mr. W. P. A.
 Srinivasa Ayyangar, Mr. R.
 Srinivasa Ayyangar, Mr. T. C.
 Srinivasan, Rao Sahib R.
 Subrahmanya Moopanar, Mr. S.
 Subrahmanya Pillai, Mr. Chavadi K.
 Swami, Mr. K. V. R.
 Tajudin Sahib Bahadur, Syed.

Thomas, Mr. Daniel.
 Tulasiram, Mr. L. K.
 Uppi Sahib, Mr. K.
 Vanavudaiya Goundar, Mr. S. V.
 Venkatapati Raju, Mr. P. C.
 Venkatarana Ayyar, Mr. K. R.
 Venkatararamana Ayyangar, Mr. C. V.
 Venkatarangam Nayudu, Mr. C.
 Venkataratnam, Mr. B.
 Venkiah, Mr. S.
 Watson, I.C.S., Mr. H. A.
 Wood, Mr. C. E.
 Zamindar of Mirzapuram.
 Zamindar of Sei'hur.
 Zamindar of Singampatti.

I

QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Agriculture

Action taken on the report of the Royal Commission on Agriculture

* 51 Q.—MR. K. R. KARANT: Will the hon. the Minister for Development be pleased to state whether Government or any committee appointed by them have come to any and if so, what decision or decisions on the various points raised by the report of the Royal Commission on Agriculture?

A.—The Agricultural Advisory Committee appointed by this Government to consider the recommendations of the Royal Commission on Agriculture have considered some of the recommendations. The decisions of the Committee will be taken into consideration in passing orders on the recommendations.

The minutes of the meetings of the Committee held on the 11th January, 14th February, 14th May and 15th June are placed on the table.^a

MR. K. R. KARANT:—"May I know whether it is intended to take the opinion of this House on the decisions come to by this Advisory Committee?"

The hon. MR. M. R. SETURATNAM AYYAR:—"If necessity arises, it will be consulted, I think."

MR. K. V. R. SWAMI:—"May I know from the hon. Minister why the opinion of the Advisory Committee is needed at all when the Royal Commission has recommended?"

The hon. MR. M. R. SETURATNAM AYYAR:—"On the question of giving practical effect to the recommendations of the Royal Commission, the Committee is being consulted."

MR. K. V. R. SWAMI:—"For how long the recommendations of the Royal Commission are under consideration?"

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The hon. Mr. M. R. SETURATNAM AYYAR :—" As long as all the recommendations are considered."

Mr. K. V. R. SWAMI :—" May I know whether the Government is not going to take any steps at all before the consideration of all the recommendations is completed ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Steps are being taken as things are ripe enough."

Mr. J. A. SALDANHA :—" May I know how many meetings of this Committee have been held ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" The hon. Member can find it out from the proceedings given in the appendix to the answer."

Action taken on the recommendations of the Royal Agricultural Commission.

* 52 Q.—Mr. J. A. SALDANHA : Will the hon. the Minister for Development be pleased to state what measures Government have taken or propose to take for carrying out the various recommendations of the Royal Agricultural Commission so far as it lies within their powers ?

A.—The Government have appointed a committee of officials and non-officials to consider the various recommendations and place before Government suggestions as to the manner and extent to which these recommendations are applicable to this Presidency and the measures by which effect may be given to them. The Committee have had time to consider some of the recommendations, and the others will be taken up in due course.

Co-operative Societies

Organization of a Central Weavers' Society.

* 53 Q.—Mr. A. RANGANATHA MUDALIYAR : With reference to the answer to question No. 1604, answered on 2nd March 1929, will the hon. the Minister for Development be pleased to state—

(a) whether the Government have since received the proposals of the Registrar regarding the question of organizing a Central Weavers' Society for the purchase of yarn and sale of finished products ; and

(b) if so, the nature of those proposals and the orders of the Government thereon ?

A.—(a) The answer is in the affirmative.

(b) The proposals are under the consideration of Government.

Mr. T. ADINARAYANA CHETTIYAR :—" May I know in what stage the matter now is ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" The Registrar of Co-operative Societies has sent in his report, and it is under consideration."

Mr. T. ADINARAYANA CHETTIYAR :—" When was the report sent, Sir ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Some time back, Sir."

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Industries

Scope, etc., of the new industrial and trade schools sanctioned for Bellary, Calicut, etc.

* 54 Q.—Mr. J. A. SALDANHA : Will the hon. the Minister for Development be pleased—

(a) to place before the Council the Government Orders sanctioning the establishment, scope, location and programme of the new industrial and trade schools sanctioned for Bellary, Calicut and Mangalore ; and

(b) to state what development of these institutions is sought by the citizens or their representatives in those towns or is contemplated by Government ?

A.—(a) The attention of the hon. Member is invited to G.O. No. 691, Development, dated 12th April 1929, which was placed at the disposal of the Press.

(b) The attention of the hon. Member is invited to the answer given in January 1929 to clauses (b) and (c) of question 1208 regarding the subjects that will be taught in the schools at Calicut and Mangalore. Future developments of these schools as well as of the one at Bellary will, however, depend upon the local demand for instruction in any particular subject and it will not therefore be possible precisely to indicate or determine at present what those developments should or will be.

Industrial and trade schools in the Presidency.

* 54-A Q.—Mr. J. A. SALDANHA : Will the hon. the Minister for Development be pleased to state—

(a) how many and which new industrial and trades schools have been established in the year 1929-30 in the Presidency ;

(b) with what courses of teaching and training and with what staff of teachers ;

(c) whether the courses include or are intended to include in the near future teaching and training in cottage industries especially ceramic or pottery, coconut coir, glass bangle and beads, hand-loom and hand-spinning industries ; and

(d) if not, why Government have not taken steps to see they are included ?

A.—(a) 1. Government Industrial School, Bellary.
2. Government Industrial School, Calicut.
3. Government Trades School, Mangalore.

(b) As regards courses of teaching, the attention of the hon. Member is invited to G.O. No. 691, Development, dated 12th April 1929, which was placed at the disposal of the Press ; the Staff sanctioned for the three schools is shown in the statement appended.

(c) & (d) The attention of the hon. Member is invited to the answer to clause (ii) of question No. 189.

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Mr. J. A. SALDANHA :—" May I inquire whether Government or the Director of Industries did not consult the local bodies concerned as to the scope of these schools ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" I do not think so, Sir."

Mr. A. RANGANATHA MUDALIYAR :—" Is not the hon. Minister aware that there is a great demand for a mechanical engineering course being introduced in the school ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" I do not remember Sir."

Excise

Recruitment of ex-service men as Sub-Inspectors in the Excise Department.

* 55 Q.—Sriman BISWANATH DAS Mahasayo: Will the hon. the Minister for Public Health be pleased to state—

(a) whether there are ex-service men already in service in the Waltair Circle who have been in the Excise Sub-Inspector's list for the last two years and are also educationally qualified ;

(b) whether new persons have been recruited to the cadre of Sub-Inspectors to the detriment of these ex-service men who are already in the department ;

(c) the number and names of such persons ; and

(d) whether a new Agency Circle is going to be formed, and if so, from what date ?

A.—(a) to (c) The hon. Member presumably refers to the Waltair division. The Government have not the information but have called for it.

(d) No such proposal is under the consideration of the Government.

Collection of arrears of tree-tax from the ryots.

* 56 Q.—Mr. K. R. KARANT: Will the hon. the Minister for Public Health be pleased to state—

(a) whether it is true that, if a tenant who leases a coconut or palmyra tree for tapping is unable to pay the dues to Government, the ryot himself is being compelled to pay such dues ; and

(b) if so, on what authority such collection is made ?

A.—(a) Yes ; in the South Kanara district.

(b) Under section 19 of the Madras Abkari Act and by virtue of a notification issued by the Government under that section.

Mr. K. R. KARANT :—" May I know whether the landlord after payment of the arrears to Government has any remedies open to him to collect the amount from the tenant ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Under the law of the land just as any other money due to him, he can recover it."

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Education

Grant of scholarships to students outside this Presidency.

* 57 Q.—Sriman BISWANATH DAS Mahasayo: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) the number of scholarships awarded to students outside this Presidency by the departments of Education and Industries;

(b) the basis on which these are distributed;

(c) whether in giving scholarships the needs of different language areas are taken into account; and

(d) if not, why not?

A.—(a) In the Department of Education two scholarships tenable in the United Kingdom are annually awarded. A statement is appended^a showing the number of scholarships awarded by the Department of Industries.

Department of Education.

(b), (c) & (d) Scholarships granted by the Education Department are awarded on the basis of the academic attainments and capacity for research or post-graduate work of candidates; the candidates selected have to bind themselves to serve the Education Department, if required to do so, for a period of five years on their return to India. Candidates from the different language areas are equally eligible for the scholarships.

Department of Industries.

Qualifications have been prescribed in the case of all scholarships awarded by the Industries Department. Information as to the minimum qualification required is given in the statement referred to above. In distributing the scholarships with reference to these qualifications, due regard is paid to the needs of different language areas in the Presidency.

Sriman BISWANATH DAS Mahasayo:—“With reference to the answer to clause (a), may I know the number and names of the candidates that have been selected from the various language areas of this province, of course with due regard to efficiency and educational and other qualifications?”

The hon. the PRESIDENT:—“Asking for the names of candidates is not in the public interest. The portion of the question relating to the number in language areas may be answered.”

The hon. Dr. P. SUBBARAYAN:—“Notice, Sir.”

Sriman BISWANATH DAS Mahasayo:—“The answer says, ‘due regard is paid to the needs of different language areas in the Presidency.’ From Appendix II, I find that the minimum qualification for admission into the Victoria Jubilee Technical Institute is the Secondary School Leaving Certificate. May I know the reason why graduates in science who applied for the same have not been selected?”

The hon. Dr. P. SUBBARAYAN:—“Perhaps the reason was that there were other better candidates.”

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Mr. ABDUL HAMEED KHAN :—" May I know from the hon. the Minister for Education the subjects for which these scholarships are awarded ? "

The hon. Dr. P. SUBBARAYAN :—" I want notice, Sir. The scholarships have been awarded by the Department of Industries, and the question is better known to my hon. Colleague, the Minister for Development."

Mr. ABDUL HAMEED KHAN :—" May I know when these scholarships were instituted and how many scholarships have been awarded up to date, and whether there is any increase in the number of scholarships since or whether the Government has been sticking to the same number ever since they were instituted ? "

The hon. Dr. P. SUBBARAYAN :—" I can only answer with regard to the Department of Education. Two scholarships are awarded tenable in the United Kingdom."

Rao Bahadur C. S. RATNASABAPATHI MUDALIYAR :—" May I know whether in granting scholarships the claims of backward communities are taken into consideration ? "

The hon. Dr. P. SUBBARAYAN :—" The interests of backward communities are taken into consideration, Sir."

Sriman BISWANATH DAS Mahasayo :—" With reference to technical scholarships, may I ask the hon. Minister how many candidates were awarded scholarships in the different language areas, their qualifications and the reasons why they were considered better ? "

The hon. Dr. P. SUBBARAYAN :—" I should like to know if my hon. Friend refers to the Department of Education or the Department of Industries."

The hon. the PRESIDENT :—" The hon. Member will have to address a separate question to the hon. the Minister for Development with regard to the scholarships in the Department of Industries."

Sriman BISWANATH DAS Mahasayo :—" The answer to the question also refers to the Department of Industries, Sir."

The hon. the PRESIDENT :—" But this question is addressed to the hon. the Minister for Education ? "

Sriman BISWANATH DAS Mahasayo :—" I want to have the number, etc., from the Department of Industries."

The hon. the PRESIDENT :—" Then he will have to give notice of it ? "

Mr. MAHMUD SCHAMNAD :—" May I know whether any preference is given to backward communities in awarding scholarships ? "

The hon. Dr. P. SUBBARAYAN :—" As I said, it depends upon the qualifications of the candidates."

Mr. S. SATYAMURTI :—" May I know whether the possession of academic training and the capacity for post-graduate research work also vary according to communities ? "

The hon. Dr. P. SUBBARAYAN :—" I do not think so."

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Delay in the payment of teaching grants to the managers of aided schools in Ganjam and Vizagapatam.

* 58 Q.—Sriman BISWANATH DAS Mahasayo : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) the number of teaching grant cheques that were to be issued to the managers of aided schools by the District Elementary Education Councils of Ganjam and Vizagapatam each separately during the years 1926-27 to 1928-29, both inclusive ;

(b) how many such cheques were issued to the teacher-managers before the 31st March in each of these three years ;

(c) whether any complaints have been, at any time, made regarding undue delays in respect of payment of these teaching grants in these two districts ;

(d) whether any money had to be lapsed in consequence of such undue delay in any one of these two districts in any of these three years ;

(e) whether any enquiries have been made into this question ; and

(f) whether the Government have taken or propose to take any action to minimise the recurrence of such delays ?

A.—(a) & (b) The Government have no information but have called for it from the District Educational Councils concerned.

(c) At the meeting of the Council held on 8th September 1928, the Hon'ble Member's interpellation in regard to the delay in the disbursement of teaching grants for 1927-28 by the District Educational Council, Ganjam, was answered. Besides this, no complaint has been received by Government.

(d) The unspent balances at the end of a year out of the allotments for teaching grants placed at the disposal of District Educational Councils do not lapse.

(e) An enquiry was made with reference to the interpellation referred to in the answer to clause (c).

(f) Instructions have been issued in May last to District Educational Councils with a view to facilitate the disbursement of teaching grants before the close of the year to which they relate.

Sriman BISWANATH DAS Mahasayo :—" May I know the reason why clauses (a) and (b) have not been answered ? "

The hon. Dr. P. SUBBARAYAN :—" For the simple reason that Government have not got the information."

Sriman BISWANATH DAS Mahasayo :—" With reference to clause (c), it was said on a previous occasion that Government would call for information. May I know whether Government have called for the information and whether they will lay it on the table if they have any information? May I know also the reason why the grants have not yet been disbursed ? "

The hon. Dr. P. SUBBARAYAN :—" I do not understand what the hon. Member refers to."

Sriman BISWANATH DAS Mahasayo :—" Regarding the disbursement of grants to managers of aided elementary schools ? "

The hon. Dr. P. SUBBARAYAN :—" As I said, the Government have no information on this point."

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Mr. S. SATYAMURTI :—“ With reference to the answer to clause (d) of the question, may I know whether block grants are given year after year ? ”

The hon. Dr. P. SUBBARAYAN :—“ They are not block grants, but they are teaching grants placed at the disposal of District Educational Councils.”

Mr. S. SATYAMURTI :—“ Are the grants given in lump amounts to District Educational Councils ? ”

The hon. Dr. P. SUBBARAYAN :—“ Yes.”

Sriman BISWANATH DAS Mahasayo :—“ Will the hon. Minister be pleased to lay on the table the information asked for when he gets it ? ”

The hon. Dr. P. SUBBARAYAN :—“ I will consider it, Sir.”

Provision for teaching Urdu to Muhammadan boys in the Board High School, Harpanahalli.

* 59 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) the number of boys whose vernaculars are Telugu and Kanarese respectively in the Board High School, Harpanahalli, Bellary district;

(b) the number of Muhammadan boys in the said school and the arrangements, if any, that exist for teaching them Urdu as an optional subject; and

(c) whether any memorial was received from the Muhammadans of Harpanahalli requesting that provision should be made for teaching Urdu in the school, and, if so, what are the orders passed by the Government thereon ?

A.—(a) The number of pupils studying Telugu as their vernacular is reported to be 42 and the number studying Kanarese 340.

(b) The number of Muhammadan pupils in the school is reported to be 47. The Government understand that the employment of a trained Muhammadan teacher has recently been sanctioned by the District Board and that a start has been made from 1st July 1929 to teach Urdu to the Muhammadan pupils from the 4th class.

(c) No.

Mr. ABDUL HAMEED KHAN :—“ May I know from the hon. the Minister for Education how long the school has been going on without a teacher for the teaching of Urdu ? ”

The hon. Dr. P. SUBBARAYAN :—“ Notice, Sir.”

Mr. ABDUL HAMEED KHAN :—“ May I know why there was such a delay in appointing an Urdu teacher for the school ? ”

The hon. Dr. P. SUBBARAYAN :—“ It is a matter under the control of the Bellary District Board.”

Mr. ABDUL HAMEED KHAN :—“ Will the hon. the Minister make an enquiry into the matter ? ”

The hon. Dr. P. SUBBARAYAN :—“ As I said, we have called for information.”

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Establishment and recognition of Catholic and Muhammadan schools in the Presidency.

* 60 Q.—MR. J. A. SALDANHA : Will the hon. the Minister for Education and Local Self-Government be pleased—

(i) to place before the Council the orders and rules for giving facilities for the establishment, recognition and grant-in-aid of Catholic and Muhammadan schools in this Presidency; and

(ii) to state—

(a) whether representations have been made by Catholics or Muhammadans since last January urging the vagueness and inadequacy to meet the requirements of the orders and rules passed; and

(b) if so, what action has been taken thereon?

A.—(i) G.O. No. 104, Education, dated 15th January 1929, laying down certain principles to be followed in granting recognition to Catholic schools in the South Kanara district and paying grants-in-aid to them is placed on the table*. No such special orders or rules have been issued in regard to Muhammadan schools.

(ii) (a) Representations have been received from Catholics.

(b) Action will be taken on receipt of the report on the working of the policy referred to in G.O. No. 104, dated 15th January 1929.

MR. J. A. SALDANHA :—“With regard to sub-paragraph (1) of the Government Order (Mis. No. 104, Education, dated 15th January 1929), published as Appendix III, may I know what is meant by the phrase ‘reasonable number’ mentioned there? May I ask what number would be reasonable?”

The hon. Dr. P. SUBBARAYAN :—“Notice, Sir.”

MR. J. A. SALDANHA :—“With regard to sub-paragraph (3), may I enquire whether, in case where there is only one school in a locality for Muhammadans, recognition is given or not to a such separate Muhammadan school?”

The hon. Dr. P. SUBBARAYAN :—“Muhammadans differ from Christians in this respect, that unlike Muhammadans Christians can talk the language of the locality.”

Assent of His Excellency the Governor and His Excellency the Governor-General to the Madras University Amending Bill.

* 61 Q.—MR. S. SATYAMURTI : Will the hon. the Minister for Education and Local Self-Government be pleased to state whether there has been any correspondence between this Government on the one hand and His Excellency the Governor or Governor-General or the Government of India on the other regarding the Madras University Amending Bill and whether this Government know why the Bill has not yet been assented to by His Excellency the Governor and by His Excellency the Governor-General?

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A.—As required by rule 2 (b) of the Reservation of Bills rules the Madras University (Amendment) Bill was reserved by His Excellency the Governor for the consideration of the Governor-General. The Government of India have taken the view that the reference to the Indian Universities Act, 1904, in clause 2 (ii) (e) of the Bill is not in order as that Act has ceased to be in operation so far as the Madras University is concerned. It is therefore proposed to return the Bill to the Legislative Council for further consideration under section 81-A (2) (a) of the Government of India Act with suitable amendments.

Mr. S. SATYAMURTI :—"May I know when this Bill is proposed to be brought to this Council for further consideration?"

The hon. Dr. P. SUBBARAYAN :—"I believe it will be on 9th of this month."

Mr. S. SATYAMURTI :—"May I know whether I can put a question to you, Sir, on the point?"

The hon. the PRESIDENT :—"The hon. Member can come to me in my room and put the question. He cannot do it now."

Prevention of smoking in schools and colleges.

* 62 Q.—Mr. A. B. SHETTY : Will the hon. the Minister for Education and Local Self-Government be pleased to lay on the table of the House a summary of the reports received from the Director of Public Instruction regarding the effect of his circular of 1925 in preventing smoking in schools and colleges?

A.—A copy of the circular issued by the Director of Public Instruction in 1925 was placed on the table in answer to question No. 1528 asked at the meeting of the Legislative Council held on the 27th February 1928. Reports as to the effect of the circular were received from 24 District Educational Officers, the Inspector of European Schools and Principals of forty-six colleges. The majority of reports were stereotyped and were to the effect—

- (i) that the circular was put into force;
- (ii) that there was no difficulty in putting it into force; and
- (iii) that the circular had been instrumental in varying degrees in checking the habit of smoking by students in school premises and play-grounds. In a few cases it was reported—

- (i) that though smoking in college premises and on play-grounds had been greatly checked, smoking 'on the sly' was still going on outside;
- (ii) that home influence and moral persuasion would prove more effective in checking the evil than anything that could be done by school authorities; and
- (iii) that occasional lectures by doctors who were specialists on the subject would be beneficial.

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The general conclusion to be drawn from the reports is that smoking is not much in evidence in school and college premises and on play-grounds and that smoking outside is not widespread except in the Telugu districts, parts of Coimbatore, Malabar and the Nilgiris.

Prevention of smoking in schools and colleges.

* 62-A Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Minister for Education and Local Self-Government be pleased to place on the table of the House a summary of the reports and other information received regarding the effect of the circular of the Director of Public Instruction along with a copy of the circular regarding prevention of smoking in schools?"

A.—The attention of the hon. Member is invited to the answer to question No. 62.

Mr. G. HARISARVOTTAMA RAO:—"In view of the answer given in item (iii) and also the recommendations made, may I know whether in view of the fact that smoking outside the school does exist to a large extent in the Telugu districts and one of the recommendations—the third is 'that occasional lectures by doctors who were specialists on the subject would be beneficial'. May I know if any arrangements have been made for such lectures in the Telugu districts as are referred to in the answer?"

The hon. Dr. P. SUBBARAYAN:—"Not yet."

Mr. G. HARISARVOTTAMA RAO:—"May I know whether Government propose to make such provision early?"

The hon. Dr. P. SUBBARAYAN:—"It depends on the proposals of the Director of Public Instruction."

Mr. G. HARISARVOTTAMA RAO:—"May I know whether the Director of Public Instruction has been asked to give his opinion on this subject and to make any recommendations?"

The hon. Dr. P. SUBBARAYAN:—"As I said, he will make the recommendations he thinks necessary."

Mr. G. HARISARVOTTAMA RAO:—"May I know whether Government have asked him to make any recommendations?"

The hon. Dr. P. SUBBARAYAN:—"The proposals are to emanate from the Director of Public Instruction."

Mr. A. KALESWARA RAO:—"May I know whether Government will issue instructions to teachers to give moral education to students including the evils of smoking?"

The hon. Dr. P. SUBBARAYAN:—"I believe it has already been done."

Mr. G. HARISARVOTTAMA RAO:—"May I know whether the hon. Minister will ask the Director of Public Instruction to send up proposals?"

The hon. Dr. P. SUBBARAYAN:—"The Director will send it of his own accord."

Mr. C. V. VENKATARAMANA AYYANGAR:—"May I know whether smoking is prevalent among school-boys in Coimbatore?"

The hon. Dr. P. SUBBARAYAN:—"I am not acquainted with the topography of the Coimbatore district as much as the hon. Member."

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Mr. C. V. VENKATARAMANA AYYANGAR :—" Cannot the hon. the Minister give some information ? The Director's report is there with him."

The hon. Dr. P. SUBBARAYAN :—" I want notice."

Prevention of teachers from smoking in the presence of their pupils.

* 63 Q.—Mr. A. B. SHETTY : Will the hon. the Minister for Education and Local Self-Government be pleased to state whether any circular has been issued or is proposed to be issued directing that teachers should not smoke in the presence of their pupils in the class-room or in the school or college premises ?

A.—A circular in the following terms was issued by the Director of Public Instruction in April 1929 :—

" The heads of all educational institutions are hereby informed that teachers should not be allowed to smoke in class rooms."

Mr. K. KOTI REDDI :—" Will the hon. the Minister be pleased to issue instructions to the Director of Public Instruction to see that teachers ought to be informed that smoking should not be indulged in by them not only inside the class-room but also outside the class-room within the school premises ? "

The hon. Dr. P. SUBBARAYAN :—" I believe that is the instruction."

Rao Bahadur C. S. RATNASABAPATHI MUDALIYAR :—" Will the hon. the Minister be pleased to bring forward legislation on the subject ? "

The hon. Dr. P. SUBBARAYAN :—" I do not think a case has been made out for such legislation."

Mr. G. HARISARVOTTAMA RAO :—" May I know if the hon. the Minister will issue instructions to the effect that smoking should not be indulged in by the teachers in the precincts of the school ? Because it is mentioned here in the answer that the instructions are only in regard to the class-room ? "

The hon. Dr. P. SUBBARAYAN :—" That will be done."

Opening of girls' schools in South Kanara.

* 64 Q.—Mr. A. B. SHETTY : With reference to my question No. 1682 answered on 11th March 1929 regarding the opening of girls' schools in South Kanara, will the hon. the Minister for Education and Local Self-Government be pleased to lay on the table of the House the information received from the Director of Public Instruction ?

A.—The report received from the Director of Public Instruction is placed on the Council table.^a

Local Boards

*Introduction of Bills to amend the Local Boards Act,
District Municipalities Act, etc. .*

* 65 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Education and Local Self-Government be pleased to state when he proposes to introduce in the Council—

(1) the Bill to amend the Local Boards Act ;

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- (2) the Bill to amend the District Municipalities Act;
- (3) the Bill to amend the Hindu Religious Endowments Act; and
- (4) the Bill to amend the Elementary Education Act?

A.—(1) & (2) In the October meeting of the Council. It was hoped to introduce the Bills in this meeting but there was not time to obtain the Government of India's sanction.

(3) & (4) When ready.

11-16
a.m.

Mr. S. SATYAMURTI:—"With reference to clauses (3) and (4) of the question, may I know whether the Government can give any idea approximately of the time when they expect these Bills to be ready?"

The hon. Dr. P. SUBBARAYAN:—"Perhaps the Elementary Education Bill may be ready by October, but not the Religious Endowments Bill."

Mr. G. HARISARVOTTAMA RAO:—"May I know from the hon. Minister how long this Endowments Bill has been under consideration?"

The hon. Dr. P. SUBBARAYAN:—"As far as I am concerned, for the last one year."

Mr. A. KALESWARA RAO:—"May I know, Sir, whether there is any order from the Government of India that private Bills should not be opposed on the ground that the Local Government are going to introduce their own Bills?"

Mr. P. C. VENKATAPATHI RAJU:—"May I know whether the Government have applied for the sanction of the Government of India?"

The hon. Dr. P. SUBBARAYAN:—"It is in the process of going to the Government of India."

Mr. P. C. VENKATAPATHI RAJU:—"May I know whether they are going to apply for sanction for all the provisions?"

The hon. Dr. P. SUBBARAYAN:—"Yes. For all the provisions that require the sanction of the Government of India."

Mr. P. C. VENKATAPATHI RAJU:—"Does the hon. the Minister propose to apply for sanction for all the Bills which require the Government of India's sanction?"

The hon. Dr. P. SUBBARAYAN:—"Yes."

Municipalities

Liability of railway administration to pay property tax to the concerned municipalities.

* 66 Q.—Mr. C. RAMASOMAJULU: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) with reference to the Memorandum No. 33278-2/B-L. & M., dated 6th November, 1926, whether this Government moved the Government of India to issue a revised notification declaring the liability of railway administrations to pay property tax to the concerned municipalities and whether the revised notification has been issued and, if so, when; and

(b) if the answer to (a) is in the negative, whether this Government will secure the issue of the necessary revised notification by the Government of India?

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A.—(a) & (b) The Government of India have issued the requisite revised notifications in February 1929. They were republished in the *Fort St. George Gazette* of 19th March 1929.

Mr. C. RAMASOMAYAJULU :—“ May I know if this notification has got any retrospective effect? Does it refer to collections already made? ”

The hon. Dr. P. SUBBARAYAN :—“ Notice.”

Religious and Charitable Endowments

Introduction of the Bill to amend the Hindu Religious Endowments Act.

* 67 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Education and Local Self-Government be pleased to state when the Bill to amend the Hindu Religious Endowments Act will be introduced by the Government in the Council?

A.—The Bill to amend the Hindu Religious Endowments Act is undergoing final scrutiny and will be introduced in the Council when it is ready.

Mr. A. RANGANATHA MUDALIYAR :—“ The Government say that they cannot exactly say when the Bill will be ready. May I ask them if they will give facilities for a private Bill? ”

The hon. Dr. P. SUBBARAYAN :—“ It depends on what is contained in the private Bill.”

Collection of contributions to the Temple Committees.

* 68 Q.—Mr. A. B. SHETTY : Will the hon. the Minister for Education and Local Self-Government be pleased to state whether the Government have any proposals for the collection of contributions to the Temple Committees and to the Board more easily and more satisfactorily than now and if so, what they are?

A.—The matter is under consideration and nothing has been decided as yet.

Mr. A. B. SHETTY :—“ How long has the matter been under consideration and when does the Government expect to come to a decision? ”

The hon. Dr. P. SUBBARAYAN :—“ It is impossible to say when a decision will be reached.”

Tours

Work done by the hon. the Chief Minister in his tour to the Ganjam district.

* 69 Q.—Sriman BISWANATH DAS Mahasayo : Will the hon. the Minister for Education and Local Self-Government be pleased to state the official work transacted in his recent tour (in April) to the district of Ganjam?

A.—(1) Visited the Aska bridge.

(2) Opened an elementary school building at Kukkudakhandy.

(3) Travelled all the way from Berhampur to Waltair by road and saw the condition in which the trunk road was.

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Land Assignment*Assignment of certain lands in Maddilingathahalli village.*

* 70 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Member for Revenue be pleased to state—

(a) whether Kuruba Mukanna has been occupying and enjoying about an acre of land in S. No. 86-A of Maddilingathahalli, Alur taluk, Bellary district, for about the last 25 years ;

(b) whether before his occupation it was overgrown with prickly-pear and much money and labour was spent on its reclamation ;

(c) whether about 1924 or 1925, the District Labour Officer got him to agree to its assignment to a member of the depressed classes ;

(d) whether the said consent was voluntary on the part of Mukanna and if so, what the consideration was for which he agreed to part with a land on the reclamation of which he had spent time, money and labour ;

(e) whether subsequently the Tahsildar ordered, for any reason, that the piece of land should not be entered upon by any of the depressed classes ;

(f) whether Mukanna wanted the land for himself on patta and whether his application was rejected ;

(g) whether the whole or part of S. No. 86-A is included in the list of lands reserved for depressed classes ; and

(h) if so, when that list was first prepared, and whether at that time any attempt was made to exclude from it lands in the occupation of sivajama cultivators for more than three years and if not, whether such lands have been excluded since ?

A.—(a) to (h) The Government have not the information asked for, but have called for a report.

Representations regarding the treatment of Catholic Churches in South Kanara.

* 71 Q.—Mr. J. A. SALDANHA : With reference to my questions Nos. 353 and 1778 answered on 8th October 1928 and 19th March 1929 respectively, will the hon. the Member for Revenue be pleased—

(i) to place before the Council a statement of all the representations received from various ecclesiastical authorities, missionaries, parish-priests, church boards or other bodies as to the grievances based on the alleged treatment of Catholic churches in South Kanara as if they were alien bodies and subjected to the disabilities of aliens to acquire lands in British India without sanction of Government and the orders passed thereon and the grounds therefor, and

(ii) to state

(a) why Government have not considered it necessary to take legal opinion on the point whether the properties in the possession of any of the churches mentioned in clause (b) of question No. 353 above mentioned are vested in His Holiness the Pope as owner or supreme administrator or in the churches in question as owners and administrators with reference to any of the representations received by Government ; and

(b) if so, what view Government have taken on the question ?

A.—(i) A statement is annexed.^a

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- (ii) (a) & (b) The Government have been advised by their legal advisers that properties attached to Roman Catholic churches in India are vested in the Pope. Assignments of lands made in favour of Roman Catholic churches in India are in effect, therefore, assignments made in favour of the Pope. The Government consider that whether the Pope is regarded as the owner or as the supreme administrator of the lands assigned, there would be no justification for any change in the rule which requires the sanction of Government for the assignment of lands to Roman Catholic Missions, and that therefore it is unnecessary to take legal opinion on the point raised by the hon. Member.

Land Revenue

Assignment of certain lands in Kirimanjeshwar village.

* 72 Q.—MR. K. R. KARANT: Will the hon. the Member for Revenue be pleased to state—

(a) whether in the village of Kirimanjeshwar in the Coondapoor taluk of South Kanara any rule is in force to the effect that no land within two chains from the high water mark of the sea should be assigned;

(b) how long this rule has been in force;

(c) whether in virtue of this rule portions of warg lands wrongly left out at the last survey are being treated as encroachments by the Revenue Department and ordered to be removed; and

(d) what steps Government propose to take to see that in the case of such mistakes in survey the ryots are not unnecessarily harassed?

A.—(a), (b), (c) & (d) The Government are not aware of the existence of such a rule. A report has been called for.

Levy of subdivision fees for separating joint pattas in South Kanara.

* 73 Q.—MR. K. R. KARANT: Will the hon. the Member for Revenue be pleased to state—

(a) whether in the case of separating joint pattas a subdivision fee of Rs. 2 is levied from each party concerned; and

(b) whether the fee being exorbitant, there are a large number of joint pattas in South Kanara the parties being unwilling to pay the fee?

A.—(a) The total amount collected altogether from all the parties concerned is Rs. 2 for each newly formed subdivision, calculated according to the following formula:—

“If a field is divided into a certain number of subdivisions, this number minus one will represent the number of newly formed subdivisions. Fees should be collected at Rs. 2 for each new subdivision in which the applicant is interested provided that when the applicants are interested in all the subdivisions formed, any one subdivision may be treated as not new.”

(b) From such figures as the Government possess it does not appear that the fact is as suggested by the hon. Member.

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Mr. K. R. KARANT.—“ With reference to clause (b), may I ask the hon. the Revenue Member to call for a report ? ”

The hon. Mr. A. Y. G. CAMPBELL :—“ I think, Sir, it would be very difficult to get a report on this point as we have no means of knowing in what cases ryots have refrained from applying for the division of joint pattas owing to the fact that they may be called on to pay certain fees.”

Levy of fees for subdivision of assessed lands in South Kanara.

* 74 Q.—Mr. J. A. SALDANHA : Will the hon. the Member for Revenue be pleased to state—

(a) what are the fees paid for subdivision of assessed lands in South Kanara ;

(b) under what law, by whom and for what purposes are such fees levied ;

(c) to whom these fees are credited and how they are distributed ;

(d) from what year these subdivision fees are levied and what is the annual income for the past five years in the district of South Kanara therefrom ; and

(e) whether Government contemplate any relief to ryots, especially Christian ryots, in South Kanara ?

A.—(a) Two rupees per subdivision.

(b) The Survey and Settlement Retrenchment Committee composed of officials and members of the Legislative Council, which met on 18th August 1922, recommended that subdivisions made at the request of ryots after survey or between surveys might be charged to the ryot. It was in accordance with this recommendation that the levy of subdivision fees was sanctioned by the Government, in consultation with the Board of Revenue. The purposes for which the fee is levied are described in the answer to clauses (d) and (e).

(c) The fees collected are credited in the accounts under ‘ XXXV. Miscellaneous—Recoveries of service payments.’ Half the fee levied is given to the karnam provided that the Revenue Inspector certifies to the correctness of the karnam’s work after checkmeasuring the subdivision.

(d) The scheme for the levy of fees for making subdivisions was introduced early in 1924. Information about the amount of fees realized annually in the South Kanara district as far as available is given below :—

				RS.
Calendar year 1924	...	...	...	10,863
Do. 1925	...	...	...	15,010
Do. 1926	...	...	...	10,988
Official year 1926-27	...	...	...	8,835
Do. 1927-28.	...	...	...	10,305

(e) The Government have called for a report on the system ; the report is due from the Board of Revenue next year and on its receipt the results of its working will be considered.

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Assessment on the wet lands of certain villages of Rayadrug taluk.

* 75 Q.—MR. A. RANGANATHA MUDALIYAR : Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government are levying any special rate on the wet lands of Vyaparalla, Kasipuram and Kenchanapalli of Rayadrug taluk, Bellary district, for doing necessary work to the spring channels in the Hagari river and are assuring a better supply to the tanks concerned ;

(b) if so, the date of introduction of the rate, the conditions of its levy and the tank or tanks, and the year or years respectively in which those conditions were fulfilled ; and

(c) whether the fee was remitted with reference to the tank or the year in which the conditions were not fulfilled, and, if not, why not ?

A.—(a) to (c) A report has been called for.

Public Service

Exemption to unpassed clerks in the High Court.

* 76 Q.—MR. A. RANGANATHA MUDALIYAR : Will the hon. the Member for Revenue be pleased to state—

(a) whether, with reference to G.O. Mis. No. 47, Public, dated 18th January 1927, the High Court compiled and sent to the Government a list of unpassed permanent clerks and examiners whom they considered fit for exemption ; and

(b) if so, when the said list was received by the Government and what orders were passed by them thereon ?

A.—(a) Yes.

(b) On the 27th June 1928 : the matter is under consideration.

Inadmissibility of second appeals by public servants against departmental punishment.

* 77 Q.—MR. S. SATYAMURTI : Will the hon. the Member for Revenue be pleased to state—

(a) the reasons why the Government declared about July 1928 that second appeals by public servants against departmental punishment were inadmissible ;

(b) whether the Government have ascertained as to whether such a rule obtains in other provinces ;

(c) whether Government have considered the hardship which these rules are likely to entail, especially in the case of officers in the Police service ; and

(d) whether the Government propose to rescind this order ; and if not, why not ?

A.—(a) The classification rules provide for only one appeal as of right and the Government in 1927 saw no particular necessity for statutory provision of a second, having regard to the fact that access by memorial remained unaffected.

(b) No.

(c) & (d) The Government do not consider that any hardship is being caused to subordinate officers, including Police subordinates, by the existing rules. They do not therefore propose to modify them.

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Mr. S. SATYAMURTI:—"With reference to the answer to clause (b) of this question, may I ask whether the Government will ascertain as to whether such a rule obtains in other provinces?"

The hon. Mr. A. Y. G. CAMPBELL:—"I shall consider the matter."

Mr. S. SATYAMURTI:—"With regard to answer (a) of the question, may I know whether access by memorial was there even when second appeals were provided for?"

The hon. Mr. A. Y. G. CAMPBELL:—"Yes, the access by memorial was in existence before."

Mr. S. SATYAMURTI:—"May I know, whether in the case of access by memorial it is absolutely optional on the part of the Government either to consider or not to consider it, whereas in the case of second appeals they are bound to consider and pass orders on them?"

The hon. Mr. A. Y. G. CAMPBELL:—"Yes, if the appeals are in time and in order."

Mr. S. SATYAMURTI:—"May I know the reasons why the rights of these aggrieved officers to have their representations considered by Government finally by second appeal and orders passed have been taken away, as what remains is merely a memorial which may or may not be considered by Government?"

The hon. Mr. A. Y. G. CAMPBELL:—"I must ask for notice of that question."

Mr. S. SATYAMURTI:—"With reference to clauses (c) and (d), may I know if the answer is based on any inquiry made by the Government, or it is a mere expression of opinion of the Government?"

The hon. Mr. A. Y. G. CAMPBELL:—"It is based on the experience of the Government."

Mr. S. SATYAMURTI:—"How long has the experience lasted after the second appeal has been abolished, and what are the facts on which the Government have come to the conclusion that no hardship is being caused to these officers?"

The hon. Mr. A. Y. G. CAMPBELL:—"I must ask for notice of that question."

Settlement

Resettlement operations in the South Kanara district.

* 78 Q.—Mr. K. R. KARANT: Will the hon. the Member for Revenue be pleased to state the nature, extent, area, etc., of the resettlement operations that have so far taken place in the district of South Kanara?

A.—A statement showing the progress of resettlement operations in and up to the end of the quarter ending 31st March 1929 in the South Kanara district is appended.^a

Mr. K. R. KARANT:—"May I take it that except what is stated in items 1 to 9 of the appendix, no sort of resettlement work was done in that district?"

The hon. Mr. A. Y. G. CAMPBELL:—"Yes."

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Mr. J. A. SALDANHA :—" May I enquire whether the settlement officers are going to publish reports from time to time of their operations so that the public may know of the progress they are making ? "

The hon. Mr. A. Y. G. CAMPBELL :—" Settlement officers do not publish reports, but when the reports are received by Government they will decide whether the reports should be published or not."

Mr. J. A. SALDANHA :—" Have the Government received any reports at all ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I must ask for notice."

Mr. J. A. SALDANHA :—" May I know whether the Government have laid down any principles as to the rates of increase that should be paid after the resettlement ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I must ask for notice of the question."

Village Establishments

Jamabandi allowances to village officers in ryotwari areas.

* 79 Q.—Mr. A. B. SHETTY : With reference to my question No. 1673, answered on 11th March 1929, will the hon. the Member for Revenue be pleased to state whether the Government have come to any decision regarding the giving of jamabandi allowances to village officers in ryotwari areas ?

A.—The question has not yet been settled as the financial results of the restoration of the village officers have not yet been finally worked out.

Mr. A. B. SHETTY :—" May I know by which time approximately Government expect to work out the financial results of the restoration of the villagers ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I cannot give a definite answer."

Wild Animals

Rewards for killing wild animals in South Kanara.

* 80 Q.—Mr. A. B. SHETTY : Will the hon. the Member for Revenue be pleased to state—

(a) how many cattle have been killed by wild animals in South Kanara in 1927 and in 1928 ;

(b) what is the total amount of rewards given for killing tigers in 1927 and in 1928 ;

(c) what is the amount of reward given at present for killing a tiger and whether a larger sum was given at any time in previous years ; and

(d) if so, why it has been reduced now ?

Year.						Number of cattle killed.
A.—(a)						4,516
1927	...	...	...	...	...	Figures not available.
1928	...	...	...	...	...	Amount of rewards given in the South Kanara district.
						RS.
(b) 1927	...	...	...	...	...	441
1928	...	...	...	...	...	360

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- (c) & (d) The attention of the hon. Member is invited to Board's Standing Order No. 196, paragraph 1. There has been no reduction by the Government in recent years in the scale of rewards.

MR. A. B. SHETTY :—" May I know why with regard to 1928 figures are not available ? "

The hon. MR. A. Y. G. CAMPBELL :—" No report has been received."

MR. K. R. KARANT :—" May I know what steps are being taken to stop this terrible loss year after year ? "

The hon. MR. A. Y. G. CAMPBELL :—" The Government give rewards for the destruction of certain wild animals and also have permitted the villagers to have access to the forests in certain seasons of the year."

MR. J. A. SALDANHA :—" May I enquire whether it is a fact that the forests in South Kanara are so dense that they are impenetrable ? "

The hon. the PRESIDENT :—" It is asking for an opinion."

MR. K. R. KARANT :—" As the number of deaths is still increasing, may I know what further steps do the Government propose to take to reduce the number ? "

The hon. MR. A. Y. G. CAMPBELL :—" I must ask for notice of the question."

Civil Justice

Alleged inconveniences of jurors and assessors.

* 81 Q.—MR. J. A. SALDANHA : With reference to the inconveniences to which jurors and assessors are put to as specified in representations already made and the assurances given during the Budget debates on 19th March last, will the hon. the Law Member be pleased to state—

- (a) whether the High Court have reported on the subject; and
(b) what action Government have taken thereon?

A.—(a) & (b) The High Court's reply is awaited.

Proposed direct recruitment of District and Subordinate Judges.

* 82 Q.—MR. S. SATYAMURTI : Will the hon. the Law Member be pleased to state—

(a) whether there is any proposal to create new additional District Judgeships, for which there will be direct recruitment; or

(b) whether there is any proposal to directly recruit to Sub-Judges' places;

(c) if so, the reasons therefor; and

(d) whether in making such appointments the claims of those already in service will be strictly kept in mind; and if not, why not?

A.—(a) No.

(b) The hon. Member is referred to the answer to question No. 365; given at the meeting of the Legislative Council held on 8th October 1928.

(c) & (d) Do not arise.

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Mr. S. SATYAMURTI :—“ Taking the answers to (a) and (b) together,—I am referred to a previous question—may I know whether at present there is no proposal before the Government to directly recruit to sub-judges' places or to create new additional district judgeships? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ No.”

Memorials against the direct recruitment of Subordinate Judges.

* 83 Q.—Mr. S. SATYAMURTI : Will the hon. the Law Member be pleased to state—

(a) whether the Government have received memorials from District Munsifs protesting against the direct recruitment of Subordinate Judges and thereby depriving District Munsifs of their legitimate claims for promotion; and

(b) whether Government will consult public opinion before finally making up their mind on the matter?

A.—(a) Yes.

(b) The hon. Member is referred to the answer to question No. 365 given at the meeting of the Legislative Council held on 8th October 1928.

Criminal Justice

Action taken on the judgment of the High Court in the Collett's case.

* 84 Q.—Mr. K. R. KARANT : Will the hon. the Law Member be pleased to state—

(a) whether Government have received a copy of the judgment of the High Court in the Collett's case; and

(b) what action they have taken or propose to take in regard to the Chief Presidency Magistrate?

A.—(a) Yes.

(b) The Government have the matter under consideration.

Mr. L. K. TULASIRAM :—“ May I know from the hon. the Law Member whether Government will place the report in regard to this matter on the table of the House? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ I shall consider the suggestion.”

Mr. ABDUL HAMEED KHAN :—“ Are the Government aware that in the judgment in the Collett's case there is a material difference between the judgment of Justice Waller and that of Justice Anantakrishna Ayyar? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ In what respect? ”

Mr. ABDUL HAMEED KHAN :—“ With regard to the Chief Presidency Magistrate? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ The judgment of Justice Anantakrishna Ayyar is silent with reference to the Chief Presidency Magistrate. There are observations in the judgment of Justice Waller, and they have been the subject of several interpellations in this House.”

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Separation of Judicial from Executive functions

Separation of the Judicial from Executive functions.

* 85 Q.—Mr. S. SATYAMURTI: Will the hon. the Law Member be pleased to state—

(a) when this Government addressed the Government of India on the question of the separation of the judicial from executive functions and what the reply of the Government of India was; and

(b) whether this Government propose to take any further steps in the matter; and if not, why not?

A.—(a) On 28th February 1927. The reply of the Government of India is the same as the answer given to a question on the subject in the Council of State on the 11th September 1928. The answer is as follows:—

“The hon. Mr. H. G. Haig: As the hon. Member is aware, the question of the separation of judicial and executive functions has been under the consideration of Government for some time, and it is desirable that I should explain the position fully with reference to recent events. On the 9th March 1921 the hon. Mr. G. M. Bhurgri moved in this House a resolution recommending to the Governor-General in Council to make a definite declaration that the time had arrived for the complete severance of judicial from executive functions and that early steps would be taken to accomplish the severance almost immediately. The Resolution was withdrawn on an undertaking being given on behalf of Government that if any Local Government decided to take up this question which related to a Provincial subject, the Government of India would raise no objection, and would proceed to make such legislative changes as might be necessary to give effect to the proposals of the Local Government. In pursuance of this policy which was announced in the Resolution of the Government of India in the Home Department, No. F. 196, Judicial, dated the 7th December 1921, and in response to local public opinion, certain Provincial Governments proceeded to prepare schemes of separation, which were submitted to the Government of India. On a consideration of these schemes the Government of India came to the conclusion that as the present system of judicial administration is a uniform system, so any alterations should be planned on uniform lines with a view to maintaining uniformity of system in essential principles. They are no longer able to hold that the problem is one for each province to settle on lines of its own choice, or that the responsibility of the Central Government could be restricted to facilitating such legislation as might be required to give effect to Provincial decisions. They have, therefore, decided with the concurrence of the Secretary of State, that though minor variations in the provinces might conceivably be accepted,

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the problem must be dealt with on lines substantially uniform. At the present time, however, in view of the inquiry by the Statutory Commission and possible changes in conditions which may result therefrom, it has been decided that it is not possible to reach conclusions on the main question, and a decision must therefore be postponed until the factors that will condition the problem in the future have become more plain."

(b) No.

Mr. S. SATYAMURTI :—" With reference to the answer to clause (a), may I know whether this Government received any reply from the Government of India ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Yes, Sir."

Mr. S. SATYAMURTI :—" May I know whether it merely included an extract from the answer given in the Council of State or whether there was any other reply from the Government of India ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I am sorry that without the permission of the Government of India I am not at liberty to disclose the contents of that document."

Mr. S. SATYAMURTI :—" I ask for your ruling on this matter, Sir. Unless the matter is a matter of controversy between this Government and the Government of India, this Government is bound to answer these questions. I think the question came up some time ago and you were pleased to rule that unless it be a matter of controversy—it would not do if it is a mere matter of correspondence—the Government are bound to answer the questions put to them. I want to know what are the public interests that would be affected by telling us what the reply of the Government of India was."

The hon. the PRESIDENT :—" I do not think the hon. Member said that it would not be in public interests."

Mr. S. SATYAMURTI :—" May I know what are his reasons ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The practice is that without the permission of the Government of India, we are not at liberty to disclose the contents."

Mr. S. SATYAMURTI :—" What is the rule under which he claims this privilege ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" That is the practice and convention."

The hon. the PRESIDENT :—" The hon. the Law Member again wants a ruling from me, though I have already given a ruling ; and my memory is that in my opinion ruling was agreed to by the Members of Government. This is what is stated in rule 9 of the Council Rules :

'In matters which are or have been the subject of controversy between the Governor-General in Council or the Secretary of State and the Local Government, no questions shall be asked except as to matters of fact, and the answer shall be confined to a statement of facts.'

" Here taking the statement of the hon. the Law Member himself, the present case is not one where there is a controversy between this Government and the Government of India, or the Secretary of State. Nor did he make the convenient reply 'In the State interests I won't disclose information.'

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He says it is a matter of etiquette that he cannot give out the contents of certain correspondence without the permission of the Government of India. In the circumstances I would suggest to him to answer the question under rule 9."

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"What is contained in the answer forms the only contents of that letter from the Government of India."

Mr. S. SATYAMURTI:—"In the course of the answer, the Government have stated 'They have, therefore, decided with the concurrence of the Secretary of State, that though minor variations in the provinces might conceivably be accepted, the problem must be dealt with on lines substantially uniform'. I am asking whether this Government have considered or propose to consider any minor variations dealing with the problem at least to the extent to which it has become very urgent?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"Minor variations have already been introduced by the establishment of stationary sub-magistrates' courts."

Mr. S. SATYAMURTI:—"Has any other thing been done?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"No, Sir."

Mr. S. SATYAMURTI:—"Has Government under contemplation any other minor variations?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"No."

Mr. D. THOMAS:—"May I know if the suggestion of this Government is in the direction of separation?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"Yes."

Mr. D. THOMAS:—"Do not the stationary sub-magistrates continue under the control of the District Collectors?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"Their being under their control has nothing to do with the separation of the judicial and executive functions."

(Mr. S. Satyamurti:—Live and learn.)

Mr. S. SATYAMURTI:—"With regard to the last sentence 'At the present time, however, in view of the inquiry by the Statutory Commission, etc., etc.,' may I know whether this Government agrees with the view that large reforms like this should await statutory changes?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"That is a matter of opinion."

Mr. S. SATYAMURTI:—"I am not asking his opinion, I am asking in regard to the Government of India's statement, whether this Government considered this question and then agreed with the Government of India view that large constitutional changes must await the introduction of new reforms?"

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Railways

Construction of a new railway line from Mangalore to Malpe.

* 86 Q.—Mr. K. R. KARANT: Will the hon. the Member for Finance be pleased to state—

(a) whether Government are aware as to which of the railway lines, viz., Mangalore-Moolky-Malpe (South Kanara district) or the alternative route Mangalore-Karkal-Malpe, has been decided to be constructed; and

(b) if so, when the work will commence?

A.—(a) No. The Government understand that a preliminary survey for a line between Mangalore and Malpe has been sanctioned.

(b) The Government have no information.

Mr. K. R. KARANT :—“ With reference to the answer to clause (b) of this question may I ask whether the Government will be pleased to get some information on the point? ” 11-30 a.m.

The hon. Sir THOMAS MOIR :—“ I am afraid that no information will be available until the preliminary survey has been completed.”

Mr. J. A. SAIDANHA :—“ May I ask whether the Local Government has to be approached by the Government of India as a condition precedent to the construction of the railway from Moolky to Malpe? ”

The hon. Sir THOMAS MOIR :—“ I must ask for notice of the question.”

Elections

Introduction of the Bombay system of voting by representation by symbols.

* 87 Q.—Mr. K. R. KARANT: Will the hon. the Home Member be pleased to state—

(a) whether Government have taken any steps to know the working and result of the Bombay system of voting by representation by symbols and, if not, why not; and if they have, what information they have on the matter;

(b) whether it is intended by them to introduce that or any other system by which the secrecy of the ballot may be secured at the coming Council elections; and if not, why not;

(c) whether Government are aware that at election times even literate people are forced by threats of influential people to vote to their dictation; and

(d) if so, what steps Government intend taking to see that the secrecy of the ballot is maintained in the case of the vast masses of our illiterate people?

A.—(a) The Government are not aware of how the cross and symbol system worked in Bombay during the 1926 elections and have not thought it necessary to enquire.

(b) The Government have in the past carefully considered every aspect of this question and the existing regulation 24 (1), formulated after the experience of the last elections, is the result.

(c) The suggestion that even literate people are thus affected surely shows that the remedy does not lie in the use of symbols or other device specially designed for the illiterate.

(d) See the answer to clause (b).

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Mr. K. R. KAFANT :—" With reference to clause (a), may I ask whether this Government will take some trouble to study the Bombay system of voting ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" The question will be considered."

Sriman BISWANATH DAS Mahasayo :—" May I ask whether the Government have considered the statements made in the course of the discussion of this very question in March 1927 ? I made a complaint and various hon. Members including the hon. Diwan Bahadur Krishnan Nayar who was then sitting with us complained that even the elementary school teachers, not to speak of illiterate people, were forced by the threat of the candidates and their agents, to declare that they were illiterate and give out the names of the candidates for whom they were voting. Have the Government enquired into this question and do they think that the Bombay system of voting would obviate this difficulty ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" I should like to have notice of the question."

Mr. R. NAGAN GOWDA :—" May I know whether the Government are aware that this Regulation 24 (1) has been considered by the House to be unsatisfactory ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" The Government think that there is no other alternative."

Mr. R. NAGAN GOWDA :—" Are the Government aware that in the resolution passed by this House, the Government were asked to consider the methods of voting in vogue in other provinces and whether they have done so ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" Yes, Sir."

Mr. K. KOTI REDDI :—" Does not the Government consider that it is absolutely necessary in the public interest that secrecy of ballot should be maintained by some means or another ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" Yes, Sir."

Mr. K. KOTI REDDI :—" May I know what steps the Government are taking to see that the secrecy of the ballot is maintained ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" The difficulty, as I have said, is that there is no better method available than the one described in Rule 24 (1). If hon. Member would propose a better method, I am prepared to consider it."

Mr. R. NAGAN GOWDA :—" Recently the Mysore Government adopted the method of voting by single system. Is he aware of it ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" No. I am not aware of it."

Mr. J. A. SALDANHA :—" May I enquire whether the Government propose to issue orders, in view of the extension of life of this House, to the authorities to prepare the list more carefully ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" No; there is no necessity for it."

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Mr. S. SATYAMURTI:—"As regards the electoral roll for the University constituency, may I ask whether the Government have any intention of having the roll revised with a view to include men and women who will become qualified owing to the postponement of the elections but who would not be qualified if the elections had been held in due course?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"I should like to have notice of the question."

*Preparation of electoral rolls for the election of M.L.O's.
and M.L.A's. in this Presidency.*

* 88 Q.—Mr. J. A. SALUANHA: With reference to my token motion in connexion with the budget grant for elections on 16th March 1929 (L.C.P. XLVIII-297), will the hon. the Home Member be pleased to state what steps have been taken for the preparation of up-to-date, full and correct electoral rolls for the election of M.L.O's. and M.L.A's. in this Presidency?

A.—The procedure laid down in the Electoral Rules and Regulations has been followed in the revision of the electoral rolls. The Government have impressed on all Registration Officers the importance of seeing that the rolls are as complete as possible and

* (i) Notification No. 33 on page 961 of Part I of the *Fort St. George Gazette*, dated 21st May 1929.

(ii) Notification No. 37 on page 1010 of Part I of the *Fort St. George Gazette*, dated 28th May 1929.

(iii) Notification No. 38, dated 27th May 1929, in the Supplement to the *Fort St. George Gazette*, dated 4th June 1929.

(iv) Notification No. 58, dated 22nd July 1929, on page 1894 of Part I of the *Fort St. George Gazette*, dated 23rd July 1929.

that all persons appearing to be entitled to be registered as electors are included in them.

The attention of the hon. Member is also invited to the circulars issued by the Government from time to time on the subject which have been published in the *Fort St. George Gazette* (notification cited in the margin).

Interference of Government servants in elections.

* 89 Q.—Mr. S. SATYAMURTI: Will the hon. the Home Member be pleased to state—

(a) whether any instructions have been issued definitely to all officials under Government and under local bodies not to interfere in the ensuing elections;

(b) whether Government have instructed their own officers not to transfer their subordinates with a view to help candidates of particular parties; and

(c) whether the instructions issued by the Government will be laid on the table of this House?

A.—(a) Such instructions were issued before previous elections and the issue of similar instructions before the next election will be considered when the date of that election has been decided.

(b) & (c) See the answer to clause (a).

Mr. S. SATYAMURTI:—"May I ask whether the instructions suggested in clause (b) of my question were issued last time and whether such instructions are proposed to be issued this time also?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"The suggestion of the hon. Member will be considered."

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Postal concessions to Members of the Legislative Council.

* 90 Q.—Mr. J. A. SALDANHA : With reference to my question No. 1801 answered on 20th March 1929, will the hon. the Home Member be pleased to state what orders have been received from the Government of India on the resolution of the House Committee and the recommendations made by the Local Government in regard to postal concessions to Members of the Legislative Council?

A.—The Government of India have declined to sanction the proposal of the House Committee.

Mr. J. A. SALDANHA :—“ May I enquire what other concessions are Government prepared to give the Members of the Legislative Council in view of the refusal of the Government of India to grant postal concessions ? ”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—
“ None, Sir.”

Mr. J. A. SALDANHA :—“ May I enquire whether the Government have referred to the House Committee to propose an alternative ? ”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—“ No, Sir.”

Mr. J. A. SALDANHA :—“ May I ask, why ? ”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—
“ There is no necessity for such reference.”

Police*Increase of the pay and prospects of the Indian members of the City Police Force.*

* 91 Q.—Mr. S. SATYAMURTI : Will the hon. the Home Member be pleased to state—

(a) whether he has received any proposals from the Commissioner of Police for the increase of the pay and prospects of the Indian members of the City Police Force ;

(b) if not, whether he proposes to ask him to send up those proposals ; and

(c) if not, why not ?

A.—(a) No.

(b) No.

(c) The hon. Member is referred to the answer given on 28th November 1928 to clauses (d) and (e) of question No. 760-C.

Mr. S. SATYAMURTI :—“ May I know whether the hon. the Home Member has received any memorials or representations or petitions from the Indian members of the City Police Force complaining about the inadequacy of their wages, etc. ? ”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—“ As far as I remember I have not received any ; but I shall enquire into it.”

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[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II

THE MADRAS UNIVERSITY (AMENDMENT) BILL—MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

* The hon. the PRESIDENT :—“ His Excellency the Governor of Madras with the consent of His Excellency the Governor-General, has returned the Madras University (Amendment) Bill for further consideration by the Legislative Council with the recommendation that the Council shall consider the following amendments :—

AMENDMENTS

Clause 2.

Sub-clause (ii).

Omit item (ee) and *re-letter* item (eee) as (ee).

(ii) *Clause 15.*

Class III—Other members.

Sub-clause (4).

(a) After the words “second-grade colleges” *insert* the words “affiliated to the University”; and

(b) *Omit* the words “and situated within the jurisdiction of the University” occurring at the end.

(iii) *Clause 22—Class II—Other members.*

Sub-clause (5).

Omit the words “and situated within the jurisdiction of the University” occurring at the end.

The amendments are explained in the memorandum below :—

Memorandum.

“ The form of the definition of ‘Jurisdiction of the University’ in clause 2 (ii) (ee) of the amending Bill is not in order in that it refers to the Indian Universities Act, 1904, and the notification thereunder. That enactment by virtue of the preamble and section 2 (1) thereof forms part of the Madras University Act—Act XXVII of 1857—which was completely repealed by the Madras University Act, 1923. The Act of 1904 should *ipso facto* be deemed to have been repealed in so far as it applied to the Madras University. It follows that neither the Act of 1904 nor any notification issued thereunder can be made use of for the purpose of the definition in question.

“ It is further observed that under section 16 (9) of the Madras University Act, 1923, and clause 4 (9) of the amending measure the operations of the Madras University are not limited to colleges situated within the Presidency of Madras. The present legislation is not territorial but is one relating to the creation of an educational corporation which, though established within the territorial jurisdiction of the local legislature, can operate outside that jurisdiction. The University continues to discharge its obligations in respect of colleges outside the Presidency which are already affiliated to it and has power to affiliate new colleges in such areas.

[The hon. the President]

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“The retention of the expression ‘situated within the jurisdiction of the University’ occurring in two places in the amending Bill, namely, *clause 15—Class III—Other members—Sub-clause (4)* and *clause 22—Class II—Other members—Sub-clause (5)*, is thus incompatible with the view set out above. It is accordingly proposed to delete it in both the places. The definition of jurisdiction of the University in *clause 2 (ii)* thus becomes unnecessary and will be omitted.

“The words ‘affiliated to the University’ will be inserted after the words ‘second-grade colleges’ in sub-clause (4) of *clause 15—Class III—Other members—to secure greater precision.*”

III

THE HOUSE COMMITTEE.

*The hon. the PRESIDENT:—“Regarding the election of six Members to the House Committee, I have to announce to the House that the following candidates have been duly nominated for election to the Committee:—

1. Rao Bahadur C. S. Ratnasabhupati Mudaliyar.
2. Mahmud Schamnad Sahib Bahadur.
3. Mr. F. E. James.
4. „ C. S. Govindaraja Mudaliyar.
5. „ C. Venkatarangam Nayudu.
6. „ A. V. Bhanaji Rao.

As the number of candidates for election is equal to the number of vacancies to be filled, viz., six, I hereby declare the abovementioned members to be duly elected under Regulation II (4) of the Regulations for the holding of elections by means of the single transferable vote.

“Under Standing Order 80, I have nominated Mr. P. T. Rajan and Mr. W. P. A. Soundarapandian to be Members of the Committee.”

IV

THE FINANCE COMMITTEE.

*The hon. the PRESIDENT:—“I have to announce that the following candidates have been duly nominated for election to the Finance Committee:—

1. Dr. (Mrs.) S. Muthulakshmi Reddi.
2. Mr. R. Nagan Gowda.
3. „ Basheer Ahmed Sayeed.

As the number of candidates exceeds the number of vacancies, viz., one, there will be an election by means of the single transferable vote. I appoint to-morrow between 2 p.m. and 4 p.m. as the time for the election.”

V

A BILL TO AMEND THE MADRAS ABKARI ACT, 1886.

Mr. J. A. SALDANHA:—“Sir, I have received a communication from Government that one of the clauses of my Bill to amend the Madras Abkari Act, 1886, requires sanction of the Government of India. I do not therefore make the motion that the Bill be passed into law. I propose making that motion at another sitting.”

The motion was by leave withdrawn.

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VI

A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920, THE MADRAS LOCAL BOARDS ACT, 1920, AND THE MADRAS GENERAL CLAUSES ACT, 1891.

Mr. J. A. SALDANHA :—"Sir, I beg to present the ^a Report of the Select Committee appointed to consider the Bill to amend the Madras District Municipalities Act, 1920, the Madras Local Boards Act, 1920, and the Madras General Clauses Act, 1891, and move that the Bill, as amended by the Select Committee, be taken into consideration."

Mr. K. R. KARANT :—"I second the motion."

The motion was carried and the Bill was taken into consideration.

* The hon. the PRESIDENT :—"Clause 1 is for the consideration of the House."

Mr. A. B. SHETTY :—"Mr. President, I move that in line 2, after the figure '1920', the words 'and the Madras Local Boards Act, 1920' be inserted."

* The hon. the PRESIDENT :—"Order, order. I wish to know before the hon. Member proceeds further, how his amendment is relevant to this Bill. The scope of the Bill is only to amend the District Municipalities Act. He is going beyond the scope of the Bill."

* Mr. A. KALESWARA RAO :—"Sir, I beg to submit that Mr. Saldanha introduced the Bill to amend the Madras District Municipalities Act, the Madras Local Boards Act and the Madras General Clauses Act. But when it was referred to the Select Committee, that body confined the scope of the Bill to a declaration instead of a statement that all wells, tanks, etc., that are vested in and are maintained by municipalities should be open for the use and enjoyment of all castes and creeds and that anyone who obstructs such use and enjoyment should be punished with a fine not exceeding Rs. 100. Now, we propose to go back upon the Report of the Select Committee and include similar provisions in the Local Boards Act also. I submit that it can be done."

* The hon. Dr. P. SUBBARAYAN :—"As a matter of fact Mr. Saldanha's original Bill referred to both the Madras District Municipalities Act and the Madras Local Boards Act and there is a dissenting minute of Mr. A. Kaleswara Rao with regard to this provision."

The hon. the PRESIDENT :—"Mr. Shetty may go on with his speech."

Mr. A. B. SHETTY :—"Sir, my hon. Friend's object was to throw open to all citizens without distinction of caste, creed or colour, the use of streets, tanks or other public places maintained out of public funds by a municipality or a local board. The Select Committee, while making the provision more effective have sought to restrict its scope to the District Municipalities Act as Mr. Veerian's Act of 1927 has already dealt with this matter in regard to the Madras Local Boards Act. As my hon. Friend, Mr. Kaleswara Rao, points out in his dissenting minute, Act I of 1927 confines itself to roads and markets. If the right of all classes of people to the use of wells and tanks maintained by local boards is to be established, amendments similar to those made in the District Municipalities Act should also be made in the Local Boards Act. My hon. Friends, Rao Sahib R. Srinivasan and Mr. Kaleswara Rao, have given notice of amendments proposing to add a new clause to this

^a Published in the *Fort St. George Gazette*, dated 21st February 1928, as Bill No. 5 of 1928.

[Mr. A. B. Shetty]

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Bill for this purpose. If that amendment is to be accepted, then the preamble should be amended as proposed by me”

* The hon. the PRESIDENT :—“No. We have first to move amendments to clause 1. The preamble will be looked into later on. I requested the hon. Member to move amendment No. 2.”

Mr. A. B. SHETTY :—“Sir, it is necessary that clause 1 also should be amended as proposed by me.”

* The hon. the PRESIDENT :—“The preamble will be taken up later on.”

11-45
a.m.

Mr. A. B. SHETTY :—“I do not see any reason why you should restrict the scope of this Bill. In answering question No. 763 which was asked on the 16th March 1929 the Government said that a number of wells, tanks, etc.”

* The hon. the PRESIDENT :—“I think it will meet the convenience of the House if we postpone the consideration of clause 1 till amendments Nos. 8 and 9 are carried out. If they are carried out then the necessity arises to amend clause 1 as well as the preamble of the Bill. If those amendments are not carried but if these are carried it will be an inconsistency.”

* The hon. Dr. P. SUBBARAYAN :—“I move that the consideration of clause 1 be postponed till we dispose of amendments Nos. 8 and 9.”

The hon. Mr. S. MUTHIAH MUDALIYAR :—“I second it.”

The motion was carried.

Clause 2.

Mr. K. V. R. SWAMI :—“I beg to move—

‘In line 4, after the words “vested in” the words “or to be vested in” be inserted.’

“This is only a verbal amendment. I want to bring under this Bill not only all the roads that are at present vested but also all the roads that are to be vested hereafter.”

Mr. ABDUL HAMEED KHAN :—“I second it.”

The amendment was carried.

Mr. K. V. R. SWAMI :—“I beg to move the amendment standing in my name which runs as follows :—

‘In line 5, after the word “open” insert the words “at all times”.’

“Sir, this is an amendment to widen the scope of the Bill. I want that the tanks, springs, wells or roads should be kept open not only at a particular time but at all times of the day.”

Mr. L. K. TULASIRAM :—“I second it.”

* The hon. Dr. P. SUBBARAYAN :—“I should like to know the scope of this amendment because I think it is quite unnecessary as it stands. The fact that the tank or the well or the spring is kept open the whole day amply meets the ends of the case.”

Mr. ABDUL HAMEED KHAN :—“I am afraid the hon. the Minister has not known cases where the tanks are kept open only during particular parts of a day. I think an amendment of this sort is absolutely necessary.”

Mr. A. KALESWARA RAO :—“I submit that the amendment is quite unnecessary, because any well or tank that is maintained by a municipal council or a local body will be kept open at such time as is necessary for the

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use of the public. I therefore think that an amendment of this sort is quite unnecessary. If we add a new phrase like the one that has been proposed, it may import some new meaning and consequently some serious consequences may result."

The amendment was put and negatived. X

Clause 2, as amended, was put, passed and added to the Bill.

Clause 3.

Mr. K. V. R. SWAMI :—"I beg to move—

'In line 5, after the word "creed" insert the words "except where special facilities are available for such creeds and castes".'

"My idea in proposing this amendment is that the changes proposed by this House may not be acceptable to the outside public. My object in moving this amendment is to enable the depressed classes to have full access to wells and tanks so that they may enjoy water facilities along with other classes of people. But wherever there are such facilities they need not encroach upon the rights of other people simply because the wells or the tanks have been maintained by the local boards for the revenues of which all classes of people have contributed their respective shares. Of course I recognize the rights of every class of people to enjoy these wells and tanks but for the present to avoid trouble I propose this amendment."

The hon. the PRESIDENT :—"The motion is lost for want of a seconder."

Mr. S. ARPUDASWAMI UDAYAR :—"I second it."

The hon. the PRESIDENT :—"The hon. Member has not been alert."

Clause 3 was put, passed and added to the Bill.

Clauses 4 and 5 were successively put, passed and added to the Bill.

New clause 6.

Rao Sahib R. SRINIVASAN :—"I beg to move the amendment which stands in my name and which runs as follows :—

'After section 124 (1) of the Madras Local Boards Act, 1920, the following section shall be inserted, viz. :—

"124. (1) (a) All such public and private springs, tanks and other places set apart for any of the aforesaid purposes, shall be open to person or persons of whatever caste or creed."

'In Schedule VIII to the said Act, after item relating to section 124, the following item shall be inserted, viz. :—

"124-A. Obstructing any person or persons in using the water set apart for public use. Fifty rupees".'

"I formally move it."

Mr. N. SIVA RAJ :—"I second it."

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The hon. Dr. P. SUBBARAYAN :—" I am afraid I must oppose this amendment, because the word 'private' is used. With regard to the use of public wells and tanks, I am quite willing to accept the amendment, but with regard to private wells, etc., I am afraid I cannot accept the amendment."

Rao Sahib R. SRINIVASAN :—" I have no objection to delete the word 'private' from the amendment."

The amendment was put and negatived. ✓

Mr. A. KALESWARA RAO :—" I beg to move the amendment standing in my name which runs as follows :—

'Add a new clause 6 to the Bill, namely :—

"6. (i) After section 124 of the Madras Local Boards Act, 1920, the following section shall be inserted, viz. :—

124-A. All public springs, tanks, wells and water courses vested in or maintained by any local board shall be open to use and enjoyment by persons of whatever caste or creed.

(ii) In Schedule VIII of the Madras Local Boards Act, 1920, after the item relating to section 124 (2), the following shall be inserted, namely :—

124-A. Obstructing a person in the use and enjoyment of a public spring, tank, well, or water course. Fifty rupees".'

"Sir, in moving this amendment I beg to submit that it is necessary that we should recognize the right of all castes and creeds to the use and enjoyment of all public wells, tanks and water courses and springs that are vested in the local boards. In villages the difficulties of these depressed classes are very many in their not being allowed the use of public wells, etc. Local bodies are maintained by taxes raised from all classes of people irrespective of their castes and as such the tanks, wells, springs, etc., maintained by those bodies should be thrown open to all classes of people for their use. I submit that the time has come when the Legislative Council should pass such a law and throw open all public wells, tanks, etc., to all castes and creeds, and punish any person who tries to obstruct the people on mere grounds of sentiment."

Mr. V. I. MUNISWAMI PILLAI :—" I second it."

* Mr. A. RANGANATHA MUDALIYAR :—" Sir, I am not quite sure whether hon. Members of this House are fully cognizant of the implications involved in this amendment if this Bill is passed into law. The amendment refers to public wells, springs, tanks, etc. Now a public spring or a well or a tank continues to be a public spring or a well or a tank even though all people may not be entitled or are not permitted to use it.

"For example in many villages where there are public wells their use is restricted to one class, viz., the caste people of the village. As regards the depressed classes, it has been the immemorial custom in such villages for the caste people to take out water from these wells and pour it out for the use of the depressed classes. I do not say that that custom is a good one or a bad

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[Mr. A. Ranganatha Mudaliyar]

one. Personally I think this custom must go and all distinctions must disappear. But we are not speaking here as private individuals; we are concerned with the public well-being of the people and what is more important with the preservation of peace and order among the different classes and peoples of this country. I for one think that if a rule of this sort is enforced it is bound to cause friction between class and class and lead to ill-will and class hatred instead of harmony among them."

* The hon. the PRESIDENT:—"Before the discussion proceeds further I wish to have one doubt cleared. The original Bill of Mr. Saldanha, which was sent up to the Government of India for sanction, did not contain any penal provisions. These penal provisions were inserted by the Select Committee in their Bill. The Governor-General has given sanction to him but it related only to offences committed in municipalities. It is proposed now to introduce penal provisions with regard to local bodies also. The question is whether the amendment before the House requires the previous sanction of the Governor-General. If hon. Members are not prepared now to consider the question, it is better to postpone the consideration of this amendment to a future date and examine the question."

Mr. SAMI VENKATACHALAM CHETTI:—"Sir, I have a doubt and I hope the hon. the Minister will clear it up. It is suggested that all public springs, tanks, etc., should be thrown open to the public to whatever class or creed they may belong. Municipalities must have the power to prevent the use of certain springs, etc., by the public during certain seasons of the year. If there should be epidemics, the municipality or the local board will be within its right to prevent the public to whatever class or creed they may belong from using the tanks. As the motion is worded, it makes the municipal councils, which promulgate sanitary regulations, liable to the payment of fine . . ."

* The hon. the PRESIDENT:—"The hon. Member is speaking on the merits of the question. Is he raising any point of order?"

Mr. SAMI VENKATACHALAM CHETTI:—"I would like the hon. the Minister to say whether it is the intention of the Government that such municipalities or local bodies should be fined."

* The hon. the PRESIDENT:—"The hon. Member was not alert enough when the previous clauses of the Bill were considered. The amendment refers to corresponding provisions with regard to rural areas."

The hon. Dr. P. SUBBARAYAN:—"The Government of India have accorded sanction to the amendment of Rao Sahib R. Srinivasan."

* The hon. the PRESIDENT:—"The hon. the Minister himself was instrumental in throwing that amendment out."

Mr. A. KALESWARA RAO:—"Mr. President, Sir, I have given notice of a Bill with exactly the same wording and I have got the sanction of His Excellency the Governor and His Excellency the Governor-General of India. If that sanction is enough, I may be permitted to move my amendment."

The hon. the PRESIDENT:—"On a previous occasion I had held tentatively that the sanction obtained for a Bill cannot be utilized for the purpose of bringing in the provisions of that Bill by way of amendment. I am re-examining that question. Perhaps it may not be convenient for the House also to use the sanction which has been obtained for a Bill to make an amendment to another Bill the scope of which may be quite different."

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Mr. P. C. VENKATAPATHI RAJU :—" Sir, with your permission I move—
*'that the further consideration of this business be adjourned till the
next meeting of the Council'.*"

Mr. K. KOTI REDDI :—" I second it."

* Mr. P. SIVA RAO :—" Sir, as you have ruled that the sanction obtained for the introduction of a Bill should not be made use of for an amendment, I do not think that the course proposed by my hon. Friend, Mr. Venkatapathi Raju, is the right one to be adopted in a case of this sort. I suggest that this amendment may kindly be dropped by the hon. Member from Bezwada, and that, if he is so advised, he may take steps to introduce his Bill and to go on with the further stages of that Bill. There is absolutely nothing gained by holding in abeyance the consideration of the present Bill because the original Bill formulated by the hon. Member for South Kanara made no reference whatever to this provision regarding public wells and springs. By no stretch of imagination can it be said that this provision could be considered in connexion with the Bill before the House. The best course for the hon. Member from Bezwada will be to drop the amendment altogether and to move for the introduction of his Bill which has obtained the sanction of His Excellency the Governor-General. In that view I oppose the motion."

Mr. A. KALESWARA RAO :—" I beg to submit that I have no objection to withdraw the amendment and proceed with my Bill which is ready for introduction. I have already obtained the sanction of Their Excellencies the Governor and the Governor-General for my Bill and I promise to introduce it if the House has no objection."

Mr. P. C. VENKATAPATHI RAJU :—" I press my motion."

The hon. the PRESIDENT :—" The question is that the consideration of this business be adjourned till the next meeting of the Council."

The motion was put and declared lost.

A poll was demanded and the House divided thus :—

12-15
p.m.

Ayes.

- | | |
|--|--|
| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 21. Mr. P. J. Gnanavaram Pillai. |
| 2. " Sir Thomas Moir. | 22. " Mahmud Schamnad. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 23. " Muppil Nayar of Kavalappara. |
| 4. " Mr. A. Y. G. Campbell. | 24. The Zamindar of Singampatti. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 25. Subadar Major S. A. Nanjappa Bahadur. |
| 6. " Mr. S. Muthiah Mudaliyar. | 26. Mr. T. M. Narayanswami Pillai. |
| 7. " Dr. P. Subbarayan. | 27. " K. Krishnan. |
| 8. Dr. (Mrs.) S. Muthulakshmi Reddi. | 28. " N. Siva Raj. |
| 9. Mr. Hilton Brown. | 29. " M. V. Gangadhara Siva. |
| 10. " H. A. Watson. | 30. " V. I. Muniswami Pillai. |
| 11. " A. G. Leach. | 31. " S. Subrahmanya Moopnar. |
| 12. " J. Gray. | 32. " S. Venkiah. |
| 13. " S. V. Ramamurti. | 33. " S. V. Vanavudaiya Gounder. |
| 14. " C. B. Cotterell. | 34. " Daniel Thomas. |
| 15. " V. Ch. John. | 35. Rao Sahib R. Srinivasan. |
| 16. " M. A. Manikkavelu Nayakar. | 36. Mr. G. R. Premayya. |
| 17. " Syed Tajudin Sahib. | 37. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur. |
| 18. " H. B. Ari Gowder. | 38. Mr. K. Ramachandra Padayachi. |
| 19. " A. B. Shetty. | 39. " U. Ramaswami Ayyar. |
| 20. " J. Bhemayya. | 40. " S. Arpudaswami Udayar. |
| | 41. " S. N. Dorai Raja. |

A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920, 185
THE MADRAS LOCAL BOARDS ACT, 1920, AND THE MADRAS GENERAL
CLAUSES ACT, 1891

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Ayes—cont.

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|--------------------------------------|--|
| 42. Mr. P. C. Venkatapathi Raju. | 64. Mr. K. Uppi Sahib. |
| 43. " K. Koti Reddi. | 65. " M. Narayana Rao. |
| 44. " R. Srinivasa Ayyangar. | 66. " B. Venkataratnam. |
| 45. " Sami Venkatachalam Chetti. | 67. " A. Ranganatha Mudaliyar. |
| 46. " S. Satyamurti. | 68. Diwan Bahadur R. N. Arogyaswami |
| 47. " C. V. Venkataramana Ayyangar. | Mudaliyar. |
| 48. " J. A. Saldanha. | 69. Mr. K. P. Raman Menon. |
| 49. " G. Harisarvotam Rao. | 70. " R. Nagan Gowda. |
| 50. " Basheer Ahmed Ayyed Sahib. | 71. " C. R. Parthasarathi Ayyangar. |
| 51. " C. S. Govin aya Mudaliyar. | 72. " Chavadi K. Subrahmanya Pillai. |
| 52. " Abdul Hameed Khan. | 73. The Maharaja of Pithapuram. |
| 53. " L. K. Tulasiram. | 74. Mr. B. Ramachandra Reddi. |
| 54. " K. V. R. Swami. | 75. Rao Bahadur Sir A. P. Patro. |
| 55. " D. Narayana Raju. | 76. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 56. " K. R. Karant. | 77. Khan Bahadur Abdul Razaack Sahib |
| 57. " K. Madhavan Nayar. | Bahadur. |
| 58. " P. Anjaneyulu. | 78. Mr. Kadir Muhi-ud-din Sahib. |
| 59. " A. Parasurama Rao. | 79. Diwan Bahadur S. Kumaraswami Reddi- |
| 60. " C. Ramasamyajulu. | yar. |
| 61. " T. Adinarayana Chettiayar. | 80. Mr. T. M. Moidoo Sahib. |
| 62. " Ahmed Miran Sahib. | 81. Rao Bahadur K. Sitarama Reddi. |
| 63. " Sriman Biswanath Das Mahasayo. | 82. " B. Muniswami Nayudu. |

Noes.

1. Mr. P. Siva Rao.

Neutral.

- | | |
|--------------------------------|---------------------------------------|
| 1. Mr. C. E. Wood. | 6. Mr. A. Kaleswara Rao. |
| 2. " A. J. Leech. | 7. " C. N. Muthuranga Mudaliyar. |
| 3. " F. E. James. | 8. " K. Krishnaswami Nayakar. |
| 4. " R. J. C. Robertson. | 9. " Rao Bahadur C. S. Ratnasabhapati |
| 5. " T. C. Srinivasa Ayyangar. | Mudaliyar. |

Ayes 82.

Noes 1.

Neutral 9.

The motion was carried and the consideration of the business was adjourned.

VII

A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920.

Mr. A. KALESWARA RAO:—"Mr. President, Sir, I beg to present the Report of the Select Committee on Bill No. 17 of 1928, that is, a Bill to amend the Madras District Municipalities Act, 1920, and move that the Bill be taken into consideration."

Mr. T. ADINARAYANA CHETTIYAR:—"I second it."

The hon. the PRESIDENT:—"The question is that the Bill as amended by the Select Committee be taken into consideration."

* The hon. Dr. P. SUBBARAYAN:—"Mr. President, Sir, I rise to oppose this measure, not merely on the ground that the Government have a Bill under consideration, but on the general principle that the amendments proposed by the Select Committee are not acceptable to the Government and such people as I have consulted in other parties are also against many of the provisions which are contained in Mr. Kaleswara Rao's Bill. (An hon. Member: Have you consulted the parties?) Wait and see when they vote. Sir, the first important point on which I propose to oppose this Bill is in regard to the question of adult suffrage. I do not think it will be possible to have adult suffrage in the present circumstances of this country. Even in advanced countries like England, the franchise is more restricted in regard to

[Dr. P. Subbarayan]

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local self-governing bodies than for the House of Commons. In such a case, I do not see why we should proceed further with regard to the adult suffrage. That is one of the important grounds on which I propose to oppose this Bill.

"The second point is this: The hon. Member wants to take away every power the Government possesses in the matter of supervision over municipalities in spite of the Government finding large funds for such municipalities in the matter of grants. I do not mean to say that the municipalities should not be given the largest possible development within themselves, but I think eventually there ought to be certain power vested or reserved in the Government, so that they will be able to pull up any municipality when its administration is going on in such a manner as it will not be possible for the people to get the maximum benefit from the municipal administration. That, I think, is a very important point to be taken into consideration. Even in western countries which are advanced in matters of local self-government, there is such a power reserved to the Government in order that the Government may intervene and put a stop to any standstill in municipal administration that may be brought about, for instance, due to factions in the municipal council or because the elected councillors have lost the confidence of the public for the simple reason that having got themselves elected, they proposed to do what they liked instead of paying any heed to public opinion. When such is the case, I think such a power ought to be in the Government to get rid of such an irregularity in local self-governing bodies.

"Sir, these are the two important points on which Mr. Kaleswara Rao's Bill seeks to amend the District Municipalities Act. Under these circumstances, I oppose the taking up of the consideration of this Bill."

* Mr. S. SATYAMURTI :—"Mr. President, Sir, I should have expected the Minister to have opposed the introduction motion on one ground, viz., that he has got a Bill dealing comprehensively with the Madras District Municipalities Act, and that he has given a promise this morning in answer to a question of mine that he would definitely introduce that Bill in the October meeting of the Council. That would have been, Sir, an intelligible position. And although I do not agree that because the Government have got a Bill and have been having it for the last so many months (An hon. Member: so many years!)—so many years—I stand corrected—therefore private legislation should be blocked, still it would have been an intelligible ground. But, Sir, it has been reserved to the hon. the Chief Minister, as he is called, to enunciate a new theory of parliamentary legislation, that the Opposition ought not to initiate legislation unless all the provisions contained therein are acceptable to the hon. the Minister and his Government. I do not think, Sir, if my friend had weighed the value of his words—which he often does not, I regret to say—he would have used those words, namely that the Opposition which is admittedly in a minority, and is an Opposition because it is in a minority, ought not to introduce legislation unless it gets the previous approval of the Government. It seems to me, Sir, an absurd proposition for any Minister or any Government to put forward.

"Then, Sir, he suggested that he has consulted the members of some other parties, and that they are against some of the provisions of this Bill and therefore this ought not to be introduced. And when interrupted and asked whether he has consulted some of them, he said 'you had better wait and see when they vote'. I know too much of the reasons for which votes are given

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[Mr. S. Satyamurti]

in this House to take that argument seriously. I suggest, Mr. President, that my hon. Friend should face this Bill, put down his amendments on the paper as he has put down several amendments, and take the vote of the House after using his arguments and his voting strength and after we have used our arguments and our voting strength. If this House were to accept his proposition, it comes to this: that legislation can never come up before this House except with the approval of the Government and the unanimous assent of all the parties in the House or of such members of the parties as are in the confidence of the hon. the Chief Minister. That seems to me, Sir, to be a negation of all Parliamentary legislation. After all, we in a minority, we in Opposition, want our legislation to be considered by the House. We may succeed, or we may lose, it does not matter to us. If we succeed, we shall be able to put on the statute-book a legislation which the House accepts; if we do not succeed, we shall have placed before the House an opportunity of legislating on what we consider sound lines of legislation, and the country and the electorate will decide whether the Government or we were right in dealing as we did with the legislation which we have introduced.

"Then, Sir, my hon. Friend in opposing the motion said by a cursory examination of the amendments as he looked at them—that there are two provisions to which he takes strong exception. The first is adult franchise. He said that even in England in the municipalities the suffrage is more restricted than even for Parliament and therefore he cannot accept it here. I should like him, Sir, to consider whether he thinks that we ought to repeat the mistakes of England, because the mistakes are committed by Englishmen. Is it seriously suggested that while in England the franchise is restricted—I do not know if it is, I should like to examine that carefully—more restricted than even Parliamentary franchise, we should not in our own country progress towards adult franchise, if we believe in progress by stages—which by the way I do not concede—which should begin with district municipalities? I can conceive of no more congenial area in which to start the experiment of adult suffrage than district municipalities. They are, after all, compact areas and there is a larger percentage of educated men and women who know the value of the vote than in other places, and if we have any faith in adult franchise, it seems to me that political expediency should dictate to us that we ought to start with district municipalities and watch the results of adult suffrage. Then, Sir, why should my hon. Friend be so much against adult franchise as not even to give this House an opportunity of pronouncing upon it? Sir, we are anxious to have that question discussed and voted on on the floor of this House; for, we are told in other places that other parties have got the monopoly of the democratic instinct, that they represent the millions of the people of this country, that their hearts are bleeding for their sorrows and that they are anxious to serve them. We say it is best for each man or woman to decide for himself or herself what is good or bad for himself or herself. We say adult suffrage will give all the adult citizens of this province a right to share in the management of his or her civic or municipal affairs. I should like to know what argument the other parties are going to advance against such adult suffrage. It seems to me, Sir, to say that there should not be adult suffrage, and to add that 'I shall not allow this House an opportunity of discussing and voting on adult suffrage,' are certainly not consistent with the ordinary canons of fair play which the Opposition has got a right to expect at the hands of any responsible Government.

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"Then, Sir, my Friend waxed eloquent over the provisions which reduce Governmental supervision over municipalities. There I say he does less than justice to a Select Committee which sat long and laboured over the provisions of this District Municipalities Act. There, we have not eliminated Government supervision altogether at all. We have provided for such supervision as we considered necessary in the interests of efficiency, consistent with the full freedom of municipalities to govern their own affairs. After all, Mr. President, is it clear, so clear that we cannot even be allowed to discuss it, that the remedy for the excesses of elected members, their acts of commission and omission, lies in a supervising authority set above them? Is it not the lesson of history that after all, democratically elected bodies must find their own correctives in themselves, and they must learn to look to the electorate and that the electorates must be careful to cashier the members if they do not continue to deserve the confidence of the electorates?"

"I was somewhat surprised to hear the last argument of my hon. Friend the Chief Minister. He said that elected members, after they are elected, cease to be responsible to the electorate, disobey their mandates, and yet continue in office, and that therefore there ought to be power in the Government to cashier them. That argument comes with very ill grace from my hon. Friend the Chief Minister. If he merely turns to his left, he will see two colleagues there who after having been elected with a particular mandate of the electorate, sit with him on the Treasury Bench. There is no power to cashier them! It seems to me, Sir, that when he can tolerate two such colleagues to his left and rejoice in their confidence and they in his, it ill suits his lips to suggest that in the case of smaller municipalities, if perforce the elected members cease to deserve the confidence of the electorate, there ought to be some power in this Government to remove them. Why should this Government have that power? I would sooner leave it to the electorate who will, after all once in three years, have a chance of teaching these people, who betray them, a lesson. It seems to me, it will be an appeal not from Philip drunk to Philip sober, but from Philip sober to Philip drunk. I would therefore prefer that the electorate should have the power of dealing with those people, and not leave it to this or to any other Government.

"I have only one more word before I sit down. The Select Committee sat for many days. The meetings were attended by the hon. the Chief Minister as often as he found time to attend and to take part. He moved amendments and he voted. Now he has also given notice of amendments. At the same time, it is less than fair to this House, after having done all this and raised expectations in the minds of hon. Members of this House that this Bill is going to be considered, to suddenly jump up and say 'I will not have this Bill discussed.' Then, why did he give notice of the amendments which you find on the notice paper? When did he change his mind, and if so why did he change his mind? I think it is a matter concerning the dignity of the House, that when a Bill has been reported on by the Select Committee, and when amendments have been tabled by the Government, the Bill ought to be discussed, before it is voted upon. Even in any private legislation, are Government to dictate by their majority of voting strength what Bills shall come first and what Bills shall not? It will be a serious interference with the rights of the Opposition, which I trust no Member of the House would tolerate.

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"Further, as a mere matter of correct parliamentary convention, I plead with this House to vote for the motion of my hon. Friend from Bezvada that the Bill be taken into consideration and not to support the view of my hon. Friend the Chief Minister that this Bill ought to wait because he is going to introduce a Bill in October, for which Government sanction is in the process of being asked for in some Secretariat; and, secondly, because he says that these amendments may not commend themselves to him. Whether they commend themselves to him does not matter. The only question is whether they commend themselves to the House. I hope the House will not show its dependence on the Minister so obviously as to say that the amendments are opposed by the Minister and therefore they ought not to be supported. Let the House have a chance of hearing and then decide once for all whether they are going to accept these amendments, or whether they are going to accept the Bill or not."

* Mr. F. E. JAMES :—"Mr. President, we find ourselves in a somewhat difficult position with regard to this Bill. We have all along held that we should have a more comprehensive Bill. But we are in the dark as to what the nature of the Government's proposal will be in regard to their legislation. I suggest that it would have set matters right if Dr. Subbarayan as a Member of the Select Committee had sent in a note of dissent conveying his general views. I think I do remember a supplementary note which was circulated after the publication of this report, but even in that note of Dr. Subbarayan, there was no indication of the general policy for which he stood. Nor have we any indication in the speech he made to-day of the lines on which his Bill will differ from the Bill of Mr. Kaleswara Rao. Therefore I submit that he is placing every party in this House in a difficult position. No one wants to obstruct any Bill to amend either the Municipalities Act or the Local Boards Act. On the other hand, we do not want to encourage piece-meal legislation which will only amend certain sections of an Act, and leave others which also require amendment. We feel that this Bill deals only with certain aspects of the Municipalities Act and leaves out certain other aspects which are of vital importance. Furthermore, the Bill as it emerged from the Select Committee, is in my opinion, unfair to certain persons serving in municipalities. It will make it almost impossible for non-official Europeans to serve on these municipalities. I believe, I do not know, if I remember correctly, that there are some fifty or sixty non-official Europeans at present serving in different district municipalities and I think they are doing valuable service. Therefore, any proposal which comes before the House should not deprive our community of the opportunity of serving on these bodies. Once more, I ask the Government to give this House some indication as to the policy which they propose to pursue as an off-set to the proposals in this Bill. Otherwise, it is very difficult for the House to make up its mind."

MR. ABDUL HAMEED KHAN :—"Sir, it is really deplorable that at this stage the hon. the Chief Minister should have come forward with a motion for adjourning the consideration of this Bill or rather for opposing the motion for the consideration of this Bill. As has been pointed out, the Minister himself was a Member of the Select Committee and that Committee sat from day to day to consider important questions with regard to which he has taken objection at this meeting. I remember, if I recollect rightly, that the hon. the Chief Minister was present when these two important questions of adult franchise and control of the Government over municipalities were considered

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by the Select Committee. If he desired to put before the Committee the point of view of Government, it was open to him to do so before the Select Committee. Sir, with regard to the question of adult franchise, my hon. Friend Mr. Satyamurti has also stated that if we should begin to introduce adult franchise at all in any system of administration in this country, it should be in the district municipalities. It will be futile to take cases obtaining in other countries which are far more advanced than our own country. He says that in England and other advanced countries, in municipalities, they do not have adult franchise, or rather they have a more restricted franchise than that is obtainable for parliamentary elections. Well, Sir, I beg to differ from that attitude, because from our experience of things obtaining in our municipalities, I feel that if justice has to be done to all the communities that inhabit those municipal areas and if we have to educate our people politically, it is incumbent on our part to introduce adult franchise in the district municipalities to begin with.

"With regard to the question of control of the Government over district municipalities, I am afraid my hon. Friend the Chief Minister has not given the necessary attention to the provisions in the Bill. If he has, he would have seen that enough control has been conceded to the Government over the municipalities.

"With regard to the question of Government introducing a Bill, not only this Council but the Presidency is aware of the way in which the Government has been contemplating the introduction of Bills to amend the various Acts and the time that Government has taken in the matter. One cannot rely on the assurance of the Government with regard to the time that they might take in introducing this Bill or any other Bill. I do not see the reason why we should postpone the consideration of matters of such importance on the assurance which is not quite reliable of the Government at any time introducing a Bill or not.

"I was not able to understand the attitude taken by the European Members of this House as expressed by Mr. James, the hon. Member for the Planters. While I thought that Mr. James was supporting the Bill I ultimately found that by supporting this side or that side at the same time he came to the conclusion that this Bill ought not to be considered. If the European community wants places in the district municipalities, it cannot be done by supporting the obstructive tactics on the part of the Government but by trying to see that their case is placed before the people. If this Bill is allowed to be considered by the House now, I am sure that the case of the Europeans will not go by default. Now, if the European community comes forward with any amendments and if the European community wants representation on district municipalities, certainly, we are prepared to consider their case, but it cannot be done by co-operating with the Government and obstructing and preventing the consideration of a Bill from a non-official member. The European community knows how difficult it is for non-official members to bring forward legislation—they are also non-officials. They do not have with them the drafting section which the Government have for preparing Bills, but they have to depend on their own resources and when once a Bill is prepared, it has to go through the ballot and after it comes through the ballot, it comes before the Council and it takes time for the consideration of all these things. But, when once a Bill of this nature has passed through all these stages and it

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has to be considered with amendments that have been given not only by non-official members but by the hon. the Chief Minister also, I do not see that any purpose will be served by any section of the House opposing the consideration of this Bill.

“The hon. the Chief Minister said that he consulted some of the members or rather leaders of parties—I do not know which party has been consulted. As a matter of fact, I do not think that we have been consulted and I do not even think that our party consulted the Minister on this matter. I therefore appeal to my Friends, the Fellow Members of the Council on the other side of the House and the Justice party, not to allow the Government to adopt such tactics so far as this legislation is concerned. It is not only the Congress party that will suffer, but also the other parties which occupy the position of non-official members of this House equally. Therefore, do not make this a precedent. Do not support the Government in their attitude of obstruction. On the other hand, support the non-official members of this House in carrying through this piece of non-official legislation. I appeal therefore to the non-official members here not to join with the hon. the Chief Minister and oppose the consideration of this Bill.”

12-45
P.M.

Rao Bahadur B. MUNISWAMI NAYUDU :—“Sir, I just rise to say that it is not just now that the hon. the Chief Minister announces that he proposes to introduce a Bill amending the District Municipalities Act, for the matter has been under consideration for some time past. I may bring to the notice of the House that there was a conference of some Members of the House where the Chief Minister considered the amendments that seemed necessary. Suggestions were made and decisions were taken at that conference in pursuance of which a Bill has been drafted. As a member of the Advisory Committee I got a copy of it. I understand that the Bill itself will be introduced early, from what the hon. the Chief Minister said at question time, in October. Sir, I am one of those who are against piecemeal legislation especially in a Bill as the one relating to the District Municipalities Act. And if a comprehensive Bill will be introduced by the Government as early as possible there will be nothing more satisfactory than that. With a view to give the Government a chance to fulfil their promise, I propose that the consideration of the present Bill be adjourned till October. Within which time the Government will be in a position to say whether they will actually introduce a comprehensive Bill or not. If they introduce a Bill we shall proceed with it; if not, we shall take up the present Bill and go on with it. With your permission, Sir, I therefore move—

‘That the further consideration of this Bill be adjourned till October 1929.’”

Rao Bahadur K. SITARAMA REDDIYAR :—“I second it.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“I am sorry that we are driven to this position to-day of not being able to discuss this Bill. I entirely agree with Mr. James on one point, namely, the result of excluding Europeans from becoming members of municipalities. Nobody on this side of the House will ever say that the European should necessarily be excluded. In my own district of Coimbatore, there was my friend Mr. Stanes as an elected member of the municipality for a very long time and after him, some member or

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other of Messrs. Stanes & Co. has been nominated to the municipal council. The proper course to remedy that defect in this Bill will be to bring in an amendment to enable Europeans being on the council. Now they depend on the sweet will and pleasure of the Collector who makes recommendations to the Government in this respect. Leaving aside this single mistake, if it be considered a mistake at all, there are some very good proposals in the Bill. Let us look at the way in which this Bill has been treated by the Government. The hon. the Chief Minister told the House this morning that this matter had been before the country and the Government for the past one year, whereas the truth is that hon. Members know that for the last nine years the question of amending the District Municipalities Act has been under the consideration of the Government. Every time the Government have been saying that a Bill would be introduced. I believe sometime ago a Bill was introduced but it had to lapse as the Council was prorogued. Then again, it was very often said that the Bill would very soon be introduced. With regard to the history of this Bill itself, when the hon. Member introduced it here, the hon. the Minister opposed it on the one ground that he was going to bring in a comprehensive Bill. But this Council voted against his opposition and allowed the introduction. That is a point which we ought to remember. Does the House want to be consistent or does it want to eat its own resolutions. I especially appeal to the European Members of this Council to see that the dignity and consistency of this House is maintained and that they do not help in the destruction of such an understanding. We know, Sir, that in spite of the hon. the Chief Minister's opposition, this Bill was introduced in this House. It was then referred to the Select Committee. We do not know what took place during the deliberations of the Select Committee. The hon. the Chief Minister attended a number of its meetings and in spite of his having the Secretariat at his disposal he was not able to send his minute of dissent in time. He took very long time over it. Even on the last occasion when the consideration of the Bill came up before the House, I remember a motion was brought, the same as is now proposed by Mr. Muniswami Nayudu. The hon. Minister then said: My Bill is ready, almost ready and therefore wait. The next meeting of the Council has come, Sir, and the Bill has not yet seen the light of day. What is more, even to-day what does the hon. the Chief Minister say? He says that he expects, he is certain—if any weight could be attached to his certainty—that the Bill will be introduced in October. What are the considerations necessary before the Bill could be introduced? The sanction of the Governor-General should be got. After the advice given by the Secretary to the department, the sanction has to be applied for. The hon. the Minister said that it was in the process of being sanctioned. We do not however know how long the Secretariat which has taken so long to apply for sanction will take before the Bill could actually come up before the House. That will certainly be two or three months. Then, Sir, where is the guarantee that the sanction will be accorded. It may take a long time to apply and before the sanction is got further time would be lost in correspondence. And all this will take us on to two or three years more. The hon. the Chief Minister sent as I said his minute of dissent at a very late stage and he has also given notice of the amendments put down on the paper. He raises objection now before the House to the principle of adult suffrage contained in the Bill. Has the Minister raised this objection in his minute of dissent? So far as I have been able to understand his minute, he has not. Nor has he

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raised any such objection in the amendments of which he has given notice. So, one of the important points in the hon. the Minister's objection has never been considered by him or by the Secretariat up till now. I do not think it is fair at this stage for the hon. the Chief Minister to attempt to postpone consideration of this Bill. As I said, Sir, there may be other considerations involved, but I will say just one word. Even this Bill which may be so full of mistakes from the Government point of view has got some very good provisions. I will just mention the instance of lady candidates finding a place in municipal councils. I ask the learned Deputy President whether she wants the provision which enables lady candidates to enter the council to be delayed. Is there to be no doctor, no lady public worker in the councils of the municipalities? Are they not fit to represent any ward on the council? If we postpone consideration of the Bill at present, the only possible result will be that we will have no amending Bill at all for during the past ten years, the Government have not been able to bring one for our consideration excepting of course one or two piecemeal measures. I therefore appeal to the European members here and to the hon. the lady Deputy President, not to throw away the Bill but to suggest amendments, discuss them and try to improve the measure in that way. The Government and their supporters command a huge majority who are perhaps prepared to be inconsistent with themselves and nullify their previous resolutions but it is our duty to take this measure now into consideration. With these words, I strongly object to the postponement of the consideration of this Bill."

The hon. Dr. P. SUBBARAYAN:—"Sir, ..."

Mr. P. ANJANEYULU:—"On a point of order, Sir. The hon. the Minister has no right to address the House again at this stage."

The hon. the PRESIDENT:—"The hon. Minister is speaking on the motion for adjournment."

The hon. Dr. P. SUBBARAYAN:—"Sir, I am willing to have this adjourned as Mr. Muniswami Nayudu suggests. And I think it is only fair that I should answer the question that Mr. James propounded in his speech."

The hon. the PRESIDENT:—"The hon. Minister will have an opportunity to speak again when this motion has been disposed of and when the mover of the substantial motion has replied. His attention is drawn to the Standing Orders."

* Mr. K. R. KARANT:—"Mr. President, Sir, I beg to oppose the motion for adjourning this Bill. My hon. Friend Mr. Muniswami Nayudu said that he wanted to know what the views of the Government were on the proposed Bill. The two points on which the hon. the Minister has now opposed the Bill are adult franchise and the power of Government to get rid of bad municipalities. On the first question, I may say, Sir, that the hon. Minister called a conference of representatives of all parties of this House and at this conference in which my hon. Friend, Mr. Muniswami Nayudu himself was present this question of adult franchise was discussed and adopted! And in the copy of the Bill which was prepared in accordance with the resolutions of this conference provision is made for adult franchise. This Bill has been circulated to us. The hon. Minister's argument was that in England there was no adult franchise for these smaller bodies; whether that is right or wrong, I may just tell him, Sir, that in this country in the case of village panchayats,

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taken as the smallest unit, we have gone the other way and have adopted adult franchise. It was the opinion of most of the members who were present at the conference that it was high time to make a trial of adult franchise at least in the case of municipalities. The other point the hon. Minister raised was the power to get rid of bad municipalities. I think, Sir, the present Bill as amended by the Select Committee gives ample power in that direction. Clause 23 of the Bill, instead of giving a long period of two years to supersede any bad council fixes only one year within which attempts should be made to reconstitute the new municipality. I do not therefore think that the objection was seriously raised. I think, Sir, that even if the points which the Government say they would bring in a measure of their own are taken up, it will be found that this Bill covers almost all of them. The summary of the main changes which were set down in the Bill which was prepared by Government after the conference to which I have referred mentions some of these and I may briefly state them. One was the abolition of the system of nomination to the municipal councils. Both in this Bill and in the old Bill the Minister was anxious to abolish this system of nomination and he only wanted that the power of nomination should be taken away. Now the present Bill as amended by the Select Committee accepts that principle. The second is the enfranchisement of adults in municipal areas. I do not know whether the hon. Minister has changed his mind after this Bill was circulated to us. The third point is the removal of disqualification of women on the ground of sex to stand for election. The present Bill removes that disqualification and so does the Bill which the Minister proposes to bring. The fourth point is the general quinquennial election. It is not a serious matter whether it is three years or five years. It is a matter which by a simple amendment to the present Bill we can remedy. The fifth point is the entrusting of functions connected with elections to officers of Government. I am not sure what the provision of the Bill in this respect is but that does not seem to be a very important matter.

1 p.m.

"Then, Sir, the provision for a vote of no-confidence in the chairmen or vice-chairmen of the municipal councils is also found in the present Bill. There is absolutely no difference between the points accepted by him and the points laid down under the present Bill. There is one other point which I may submit, and that is that in the first Bill that was brought forward by the hon. the Chief Minister—and I take it that that was the policy of the Government—there was a provision that there should be executive officers appointed for all municipalities. He went back on that position as he found it was opposed by all or most of the municipalities. I myself thought that that provision was necessary in the interests of good and efficient administration. But this only illustrates how the hon. the Chief Minister has no mind or opinion of his own on any point, because this important point which he urged in the first Bill he omitted in the second Bill. At any rate when the conference was called he acceded to all these points, and I say most of them can be made to come in by means of amendments into the present Bill itself. I think it is hardly fair that the hon. the Minister or my hon. Friend Mr. Muniswami Nayudu should now put off the consideration of this Bill. There were no controversial points, and so far at any rate as I know when the conference met, all the contentious points were agreed to. We did not sit at that conference as so many parties, but we were all interested in seeing that the administration of the municipalities was improved.

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“One other point. I do not know what the Government Bill is going to do about the exclusion of Europeans. On this point I may assure you, Sir, there are many amendments; there are three amendments at least, one by my hon. Friend Mr. Kaleswara Rao himself which says that Europeans also may be included along with Anglo-Indians. Then, there is my own amendment in the Bill which suggests the method of co-option so that anybody can come by that method of election to the Council. Then there is the amendment of the hon. the Chief Minister to the effect that Europeans can come in as supernumerary members on the Council. It seems to me, if I may say so plainly, that the hon. the Minister may fail to bring in his Bill until the very close of the life-time of this Council. When friends come to me and ask me when his Bill would come up, I tell them that the hon. Minister would bring it up at the eleventh hour as, if he does not succeed in getting his Bill through, he is afraid he will have to resign. Therefore he is putting off the evil day. I submit, Sir, that this consideration should not weigh with this hon. House. I assure hon. Members that there are many good points in this Bill and most of the points on which the hon. Minister has brought in his Bill have been incorporated in the present Bill, and it is up to us to improve this Bill by means of proper amendments and see that we go on with the consideration of this measure which has been hanging for a long time. I think he has now opposed one or two points because he could not come forward with his stale old argument that he was not ready with his own Bill, which was used again and again by him in the case of several other Bills. Then, Sir, so far as the Government control is concerned, I do not think any very serious change has been made at all in the present Bill. I myself in the Select Committee, as the hon. the Minister will bear me out, said that I was not against Government control at all. My short experience has taught me that we spoil our Councils more by our internecine fights rather than by Government interference. If the hon. the Chief Minister is against any of the provisions in the present Bill, it is up to him to bring in amendments and not stop the Bill at this stage by not allowing any other party to bring in any measure when he is not himself prepared to bring forward any.”

* The hon. Sir THOMAS MOIR :—“Mr. President, I do not propose to deal with the merits or demerits of the present Bill, but I would like to say one or two words with reference to the attack which I think has most unjustly been made on the hon. the Chief Minister. Now, Sir, may I point out that the Bill now before the House is a private Bill and, necessarily, is subject to those disadvantages which apply to private legislation. In the first place, much has been made by the hon. Member for the University of the fact that this Bill has gone through a Select Committee. But may I point out that the Select Committee was almost entirely representative of only one party in the House. (Voices :—‘No, no.’) I have, Sir, the names in front of me. Now, of course it may be said . . .”

Mr. G. HARISARVOTTAMA RAO :—“On a point of order, Sir, is the hon. Member aware that he is reflecting on the conduct of the House which elected this Select Committee?”

* The hon. the PRESIDENT :—“He is only describing the members of the Select Committee; that is all. He never attacked the vote of the House.”

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* The hon. Sir THOMAS MOIR :—"Now, Sir, it was suggested by the hon. Member for the University that by the fact of the hon. the Chief Minister having served on that committee, he in some mysterious way is bound to allow this report to come before this House. Now, it has been a custom for the Government Members concerned to serve on the Select Committees of private Bills, but if that argument were to be used, it seems to me that the Government would have seriously to consider the question as to whether any of its Members should sit on the Select Committees for private Bills. It is, I think, desirable that at least in some cases they should do so because it means that they are able to keep the Select Committee in touch with the attitude of the Government and possibly make good any defects attaching to useful private legislation so that when the Bill comes up before the House the Government would be able to accept it. But in this case, I can only go by the Minute of Dissent of the hon. the Chief Minister and from that . . ."

Mr. S. SATYAMURTI :—"On a point of order, Sir, under the Rules and Standing Orders, Minutes of Dissent have got to be sent within a specified time, and if they are so sent, your office would be in a position to print and circulate them to all of us. But in this case, as far as my information goes—I make this statement subject to correction by your office—this so-called Minute of Dissent was not sent within the time prescribed by the Rules and Standing Orders. By some authority—I do not know which—it got printed and it got circulated . . ."

* The hon. the PRESIDENT :—"Was it circulated to Members of the Council?"

Mr. S. SATYAMURTI :—"No, it was not."

* The hon. the PRESIDENT :—"I only request the hon. Member to ignore the Minute of Dissent if it has not been circulated to Members."

* Mr. S. SATYAMURTI :—"But my point of order is that a paper which is not circulated to hon. Members is being referred to by the hon. the Finance Member."

* The hon. Sir THOMAS MOIR :—"Whether technically it comes within the definition of a Minute of Dissent or not, here is a printed paper which fully explains the objections of the hon. the Chief Minister which I believe he had also urged in the Select Committee. And if it is not already placed on the table of the House, I am perfectly prepared to place it on the table now."

* The hon. the PRESIDENT :—"Order, order. Discreetly I kept silent with reference to this Minute of Dissent. But I think the hon. the Chief Minister has not given the full history of this Minute of Dissent to his Colleagues. This Minute of Dissent was published by the Law (Legislative) Department in the Gazette, and it was brought to my notice. I requested the hon. the Chief Minister to explain the circumstances to me, and he has written an apology saying that by inadvertence it was published in the Gazette, and that it ought to have gone through the Legislative Council Secretary to the Gazette. That is quite a different matter. But I think it is better not to refer to that document because it does not form part of the proceedings either of this Council or of the Select Committee."

* The hon. Sir THOMAS MOIR :—"Then, Sir, I will content myself with saying that I believe I have the authority of the hon. the Chief Minister for the statement that in the Select Committee he raised the objection, and it was

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only after raising such objection that he had seriously to consider whether he could accept that Bill or recommend it for the acceptance of the Government. Now, Sir, there are two courses which are open to the hon. the Chief Minister”

Mr. G. HARISARVOTTAMA RAO :—“On a point of order, Sir, has the Minister the right to disclose the discussions in the Select Committee, and has the hon. the Finance Member the right to refer to them?”

* The hon. the PRESIDENT :—“I think the report of the Select Committee is placed on the table of the House.”

Mr. G. HARISARVOTTAMA RAO :—“It is not the report that he is referring to, but conversations and discussions in the Select Committee.”

* The hon. the PRESIDENT :—“Anything not published cannot be referred to.”

* The hon. Sir THOMAS MOIR :—“Then Sir, at least I take it I am entitled to say that the hon. the Chief Minister was entirely opposed to this Bill, (Voices : ‘No, no’), at least materially. Now, Sir, there were two courses which were open to him. The one was to oppose the report of the Select Committee being taken into consideration. That was perfectly legal and perfectly justifiable on his part. But the hon. Member for the University made much capital of the fact that he tabled amendments. Why should he not table amendments without waiving in any way his right to oppose the taking of the report into consideration? The taking of the report into consideration is a matter before this House. That is the question which is being discussed now and on which the House will proceed to vote. He considers that he was justified in opposing even the motion for the report of the Select Committee being taken into consideration. The decision on that issue rests with the House and why should he not table amendments against the possibility of its being taken into consideration? I do not see that this in any way is inconsistent with his position or his rights with reference to this Bill. Then the other question which has been raised by the hon. Member for the University and I think by some other Members likewise is the question as to whether it is desirable or convenient to have two Bills which cover the same field, and which may take up practically the same time. Now, Sir, the hon. the Chief Minister has been invited to lay before the House now the scheme of his own Bill. I, of course, can have no objection if he chooses to do so, but I would suggest to the hon. Member Mr. James that it is hardly a reasonable request to make of the hon. the Chief Minister that he should now, two months before the date on which he proposes to introduce it, unfold the scheme of his Bill. And I think it is evident from the debate that has so far taken place, that this course would lead to the greatest inconvenience and the greatest confusion if, while one Bill was under Legislative discussion, we should be informally considering another Bill. And I would recommend to the House that under these circumstances they should at any rate consider the advisability of postponing the discussion of this Bill. And even though there might have been some delay as regards the introduction of this comprehensive Bill, I have not the slightest doubt that it will be introduced at the next meeting, but if not the House has its remedy.

“I would suggest therefore that we may follow the course which has been proposed by the hon. Member, Mr. Muniswami Nayudu, and postpone the consideration of this question. I am perfectly sure that if we are to have two

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conflicting sets of proposals one contained in this private Bill and the other contained in the comprehensive measure of my hon. Colleague the Chief Minister, forming the subject of a miscellaneous debate in the House, we shall not really be furthering the business of the House, or the discussion of those proposals advocated by such hon. Members as are in favour of this Bill."

* MR. SAMI VENKATACHALAM CHETTI :—" Mr. President, Sir, while I admire the chivalry of the hon. the Finance Member, Sir Thomas Moir, for the defence he has put up in favour of his ever-erring colleague, the hon. the Chief Minister, I am afraid I must also ask the House to have some commiseration for the hon. the Finance Member for the somewhat inconvenient situation he landed himself in, in trying to defend his Colleague. This is the first time I see when the hon. the Finance Member has slipped into several inconsistent statements. That is no doubt due to his want of information with regard to this subject that ought to have been supplied by the hon. the Chief Minister. Sir, Sir Thomas Moir referred to the fact that this Bill which is brought forward by a private Member will have the disadvantages natural to such a measure. Nobody denies this statement of fact. But the Bill is far advanced in spite of the handicaps which a private Member is put to in pressing legislation in this House. It has had the co-operation of the opposing party headed by the hon. the Chief Minister in the course of the Select Committee stage. Several objections have been raised in regard to several points, and there were differences of opinion between both sides. Evidently the Chief Minister was over-ruled in all those objections of his. But the result has been the present Bill. I am afraid, Sir, the fear the Government has in allowing this Bill to go forward lies in the weakness of the Minister. If the Ministry can possibly marshal all its forces in favour of the proposals they have in view, they could themselves bring forward an amending Bill. The inherent defect is in the lack of strength of the Ministry in pushing on a measure of their own or in opposing a measure coming from the Opposition, on its merits. It has necessarily to depend on the good-will and favour of the various parties. I doubt if my hon. Friend Mr. Muniswami Nayudu has done the Chief Minister any service in bringing forward this motion before the House, probably the hon. the Chief Minister would have wriggled out of the situation by merely stating the purpose of the Bill which he is going to introduce hereafter. But, instead of leaving the hon. the Chief Minister to have his say, my hon. Friend Mr. Muniswami Nayudu wedged in this amendment, which necessitated a longer discussion over this question.

" Sir Thomas Moir referred to one thing, namely, the composition of the Select Committee, which he said was all one-sided. I am afraid here again he was speaking without the book. The Select Committee consisted of thirty-one members of which eighteen did not belong to our party. (Hear, hear)."

The hon. Sir THOMAS MOIR :—" On a point of personal explanation, Sir, I never said that the *entire* committee consisted of one party. (Mr. G. Harsivottamma Rao : "One party, you said)."

* MR. SAMI VENKATACHALAM CHETTI :—" Be that as it may. As has been already pointed out by previous speakers, the only two objections now trotted out by the Government are with regard to adult suffrage and the control of the Government over erring municipalities. My attention is drawn to what

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happened in the Select Committee, when the hon. the Chief Minister did not raise any objection with regard to adult suffrage. That statement is borne out.

The hon. SIR THOMAS MOIR :—"On a point of order, the hon. Member is referring to the Select Committee proceedings."

The hon. the PRESIDENT :—"I have already requested hon. Members not to make any further reference to that."

MR. SAMI VENKATACHALAM CHETTI :—"I may refer, Sir, to the amendments which have been sought to be moved by the hon. the Chief Minister. There is absolutely no amendment tabled by him on that subject. Then, it is only the Government control that is left. Many of the Members on this side of the House do realize that erring municipalities ought to be checked by means of a minimum authority being reserved by Government. I have no doubt Mr. Kaleswara Rao has made ample provision in regard to that matter. It seems to me, therefore, that the object in obstructing the further procedure of this Bill is the realization by the Government that it has not got enough strength to push their point of view in this House. If that be so, it is an unfortunate circumstance for which we are not responsible, and we cannot wait until he sees that a strong party is gathered on his side."

* MR. K. MADHAVAN NAYAR :—"In opposing the proposal of my hon. Friend, Mr. Muniswami Nayudu, to adjourn the consideration of this Bill to the October session, I may say first of all that it may practically mean the postponement of this Bill indefinitely. It is not possible now to decide whether there will be time enough in the October session or in the subsequent sessions of this Council to take up this Bill and discuss it completely and thoroughly. The postponement, therefore, must be on adequate grounds, and the only reasons that my hon. Friend has advanced are the reasons mentioned by the hon. the Chief Minister. I therefore propose to answer the arguments that have been mentioned by the Chief Minister for the adjournment of the Bill. One of the most important reasons that were advanced by the Chief Minister was that the Bill as formulated by Mr. Kaleswara Rao and as emerged from the Select Committee does not give power to the Government to control municipalities. That certainly is a very valid objection if, as a matter of fact, there is any truth in that objection. So long as Government grants funds to municipalities, it is necessary and it is essential that the Government should have control over municipal bodies, and if the Bill that is now before the Council does not give that power to the Government, the Bill to that extent is certainly bad. But, when we examine the Bill of Mr. Kaleswara Rao, we see that as a matter of fact the Bill gives such power because he deletes only one clause in section 36 which gives that power, and the rest of that whole section 36 and section 37 with a slight modification are kept intact. Clause (1) of section 36 is,—

"The Governor in Council may, by an order in writing, suspend the execution of any resolution of a Municipal Council or of any order issued by a Council or chairman, or cancel such resolution or order, or suspend or cancel any licence or permission granted by a Council or chairman, and may prohibit the doing of any act which is about to be done or is being done in pursuance or under the colour of this Act if, in his opinion, such resolution has not been legally carried, or such resolution, order or act, or the grant of such licence or permission is in excess of the powers conferred by law, or the execution of such resolution or order or the doing of such act or the continuance in force of such licence or permission is likely to cause danger to human life, health or safety, or is likely to lead to a riot or affray."

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That clause is retained in Mr. Kaleswera Rao's Bill, and the only clause that is deleted is clause (2) of the section which says, 'If the District Collector considers that immediate action is in his opinion necessary in the public interests, he may suspend the resolution or order, licence, permission or act,' and so on. So, it is only the power of the District Collector that has been taken away, and not the power of the Government. So long as the Government considers the executive subordinates as Government itself, I am sure such arguments will be forthcoming. The Collector is not the Government, though he is part of the Government. Government is composed of the executive heads of the administration, but not the subordinate officers of the Government. So long as this power is retained by Government of controlling municipalities, the argument advanced by the Chief Minister on this point loses all its force.

"Now, the only modification made in section 37 of the Act is that for the words 'the District Collector', the words 'the Governor acting with the Ministers' are substituted. Section 37 says, 'The District Collector may, in cases of emergency, direct or provide for the execution of any work,' and so on. By substituting 'the Governor acting with the Ministers' for 'the District Collector,' the power of the Government has not been taken away, so that the most important argument of my hon. Friend the Chief Minister that the control of the Government has been taken away, falls so far as it relates to this section also.

"The Council will also realize that the Bill placed before it is a comprehensive Bill, and that Bill has been drafted by a person who has very wide experience of municipal administration, who has been Municipal Chairman for four or five years. He knows the difficulties of the administration, and, as other previous speakers have pointed out, it is very seldom that a private Member of this House is able to exercise his right of getting legislation passed through this Council. And when after the Bill has been referred to a Select Committee, and, after the Select Committee has spent a good deal of its time and labour over it, when it comes back to the Council, for the hon. the Chief Minister to get up, for a man who occupies the responsible place of the head of the non-officials in this Council to get up and oppose this Bill, is nothing but scandalous. I cannot find less strong language to condemn such an attitude, to condemn the attitude of the Government and of the non-official Chief Minister, who gets up and merely says, 'My Bill is being prepared and that will be placed before the Council'. When are you going to place it before the Council, Sir? Is it after the dissolution of this Council, next year, or the year after that? For three years, he has been sleeping, and when non-official members have spent time and labour over a private Bill, and when that Bill has passed through the Select Committee stage, and when that Bill comes up for consideration in the Council, the Chief Minister says, 'No, Sir. Let it be adjourned. I will think of a better Bill. I am preparing a Bill, and I will bring it up at any time I choose'. Is that the answer, Sir, to be given by a responsible Minister to a private Member who brings forward a Bill before this House, especially when it has reached the stage that Mr. Kaleswara Rao's Bill has reached? Sir, I fail to see the force of the argument of the Chief Minister. There are so many wonderful things in this Government; but the most wonderful of them all is its Chief Minister. He has no policy; he has no programme. To simply sit in his place and to say 'No' to every-

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thing that is done or attempted to be done by non-official members, is this the sole object and function of the Chief Minister of this Council? He does not concern himself with legislation; he does not care whether the whole world goes to dogs, but he must continue to occupy that seat with the help of friends and allies honourable or traitorous."

* The hon. the PRESIDENT :—"The hon. Member will continue his speech on the next proper occasion. The Council will now adjourn for lunch and re-assemble at half past two."

(After Lunch—2-30 p m.)

VIII

ADJOURNMENT MOTION *re* GOVERNMENT SANCTION TO PROSECUTE
MR. M. ANNAPURNAYYA.

* Mr. P. ANJANEYULU :—"Mr. President, Sir, I move—

'That the business of this House do stand adjourned to discuss a definite matter of urgent public importance, to wit, the recent action of the Government in granting sanction to prosecute Mr. M. Annapurnayya (Editor of 'the Congress'), under sections 124-A and 153, Indian Penal Code.'

"Sir, I thank you and the House for giving me an opportunity of bringing this matter to be discussed on the floor of this House. I know, Sir, the disadvantage of one who speaks on a matter like this, because it is very much limited in its scope, and from the way in which discussion took place yesterday, before you were pleased to give your permission to move this, I knew that it would be almost impossible for any one to be within the limitations prescribed by you yesterday. I hope and trust that with the limited capacity I have got I shall not transgress any of those limitations. My object in moving this motion is two-fold. One is to bring before this House and to the notice of the Government the feeling in the country; the other is to give an opportunity to the hon. the Law Member and the other Members of Government to fully and freely explain any policy there may be behind this particular action in granting sanction to prosecute Mr. Annapurnayya.

"Mr. Annapurnayya, Sir, is a young man, affable, frank, brave in his speech and bold in his behaviour. These are qualities which any civilized Government, I expect, would appreciate, qualities which they would ask their young men to foster, and cultivate. Especially the Madras Government which even with its bureaucratic traditions had recently given opportunities to this country to appreciate it in its exposition about the coming reforms, I thought, would equally appreciate such qualities and would be the last to launch a policy bordering on repression."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I am reluctant to interfere, but is my friend at liberty to discuss the policy? I think you expressly overruled it yesterday."

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* The hon. the PRESIDENT:—"He is only making preliminary remarks."

* Mr. P. ANJANEYULU:—"I am only stating in a general way that when an action like this is taken, there must be something behind the back of the Government. Generally, as we all know, in cases of sedition, when sanction for prosecution is granted, it is in the interests of the State or the country. That being the case—I am saying in a general way without going into the speeches of Annapurnayya or the particular speech which brought him into this trouble—I am simply saying that I expect that this Government would exert all its possible resources to see that when it prosecutes a man for sedition, for saying something which in their opinion is sedition, they had considered all the circumstances in favour of the man. I am constrained to say this for the reason that elsewhere no less a person than Sir Mitra prosecuted a person of such high standing as Mr. Ramananda Chatterjee for publishing a book which in other lands would have been valued as a treasure simply and read by every student of politics with avidity. And when questioned in the court of law, the hon. Gentleman had to admit that he never read the book himself but accorded sanction for prosecution. I trust that such things will not be said of the hon. the Law Member in this particular case. I trust that he at least has read the speech or the speeches for which this young man is being prosecuted. It is possible, and I have a shrewd suspicion, that the hon. the Law Member might have acted on belief or trust in reports of lower officers that it was a seditious speech, and in that way might have accorded his sanction. If it was otherwise, we shall be glad so far.

"But in an action like this, when only members following a particular political persuasion are being prosecuted or persecuted, it is up to every one of us to draw inferences which are not to the credit of the Government. The Government of Madras has had a reputation, we must admit, that it is very reluctant to launch on a policy of repression. In recent years, when other provinces are taking measures which are highly repressive, the Madras Government had so far curbed itself, though it might have caught the contagion from other provinces. I do not say that it did not go into error at all, but it tried to correct itself as early as possible.

"In this particular matter, this Annapurnayya has been the Editor of a paper called the *Congress*. He is a congressman and he has been a congressman. The policy of the Congress is very well known not only to this Government but all the world over. It is non-violent non-co-operation; any element of violence is strictly eschewed from the policy of the Congress, and this Annapurnayya who is an ardent congressman and who belongs to that cult or political faith could not be suspected of any violent motives. And when an article is published or a speech delivered, if the Government should run after the man and incarcerate him, then the very purpose of all progress in politics will be defeated. I hope and trust that there must be something particularly bad in this particular case which prompted the Government to accord its sanction. Before such sanction is given, I take it, Sir, the Government is expected to see what effect it will have on the public at large. It is not because Mr. Annapurnayya said something or wrote something against the Government that he should be prosecuted. What effect that particular act of the Government will have on the province, is a most pertinent question which I desire to address myself to.

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"I fear seeing that in many places it is only the Congressmen that are being pursued, that are being prosecuted, and that, at a time when it is expected that even the Government would lend its helping hand to the frank and free expression of political views without bringing them within the four walls of Indian Penal Code, it is unfortunate that this Government should have accorded this sanction. A great authority has said that the Government should always be very careful in granting sanction in matters like this and should not do it if their action is likely to create alarm in the democratic party and is calculated to retard for considerable time the progress of legitimate and democratic views. The hon. the Law Member was saying that a matter like this need not be considered by this House because there is a case pending in the court. So far as the action of the Government in granting sanction is concerned, I looked up some of the reports of the High Court, and 27 Madras (p. 54) says that Government when granting its sanction does not act in a judicial capacity in matters of this kind. Therefore on that score it cannot be called *sub judice*. As far as their actions are concerned, this House has every right to discuss them, and I thank you, Mr. President, for taking that view and allowing this motion to be discussed in this House.

"I should like to say one or two other words on this subject. There is a fear that, when Government takes action in matters like this, it is getting confused in its ideas and confuses political agitation with constructive treason. Political agitation, in all civilized countries is permissible, provided it is not violence or revolutionary activity. I hope and trust, Sir, that the Government has fully exercised its mind on this subject, and is not at all inclined to stifle all legitimate political agitation, especially at a time like the present one. If the country is to be thrown into alarm by prosecutions like this, there is no meaning and purpose in saying that we are on the eve of getting another large instalment of reforms. The Government ought to take into consideration not only the person concerned, but also the times we are passing through. We are at the dawn of a new era of political advancement in this country. At that time, it is possible for young and fresh minds which are full of enthusiasm for their country and full of patriotic spirit, sometimes to say things, which may be construed as bordering on sedition. Is it not right on the part of the Government to give a large margin for enthusiastic young men and not construe that simply because it is technically wrong, therefore it must be morally wrong? I hold that in cases like this the Government should take all these aspects of the question into consideration but should not easily come to the conclusion that this particular individual was also morally wrong. If mere agitation, mere freedom of speech, possibly in the heat of the moment, or mere writing possibly with a historic perspective, if everything like that is to be construed as sedition, I trust that at least one political party in the land, and every one belonging to that party must be prosecuted. All Congressmen must be prosecuted, for, one time or other, at the beach meetings, or in Congress conferences, or in other public meetings, they must have said things very much like those said by Mr. Annapurnayya. But unfortunately, I cannot go, and I shall not go into the speeches or the particular speech made by him as it is forbidden ground.

"I hope and trust that when the hon. the Law Member makes his speech he will tell us definitely that there is no such policy behind this action, and that the Government do not intend to incarcerate a political party like this and that the Government are willing to hear us fully and frankly. Is it not to

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the interest of Government also that we should frankly express our opinions, instead of allowing our displeasure at some of the actions of the bureaucratic Government to rankle in our minds? Sir, this sort of action is only an evil wind that blows nobody any good. If, on the other hand, the Government is strong, if the Government is righteous, if the Government is good, they must welcome all strong and good views and expressions. Our co-operation and our views are not welcomed by the Government, and that is why we have become non-co-operators. If the Government want real co-operation, let them give us freedom of expression. Let them not be alarmed at every statement we make in a patriotic spirit. Let them not think that we are going to obstruct the whole administrative machinery. But if such a time comes, neither the Government nor the people can do anything to prevent its happening. We do not know what is in the womb of the future. The fate of our country is on the knees of the Gods. Are the speeches of Mr. Annapurnayya such that a big Government should hasten to grant sanction for prosecution? I hope that this particular action of the Government is not the beginning of a series of actions like this. But whatever the merits of the particular case may be, it is not merely the interest of Mr. Annapurnayya that is at stake. In this case a larger question is involved. And I am asking the Government whether this is a single solitary case where justice requires that sanction should be accorded or whether it is a test case and a forerunner of other sanctions and other prosecutions yet to come. At the same time, I may tell the Government, Sir, that no one on this side is afraid of prosecution or jail, provided we are able to lead our countrymen aright. Sir, I would ask the Government, through you, to see that when they launch prosecutions of this kind, to restrict the liberty of a citizen of this land all individual personal elements are eliminated. They are there to administer law and justice. Let them administer justice and law, lawfully and justly. Let there be no political prejudice behind any action. If we were there on the Treasury Bench and the hon. the Law Member here in the opposition, and supposing he says something about the tenants and janmis, would he expect us to prosecute him under section 153-A for creating class hatred between the tenants and janmis by putting his case as strongly as possible? Similarly, it may be that some Congressmen say things as emphatically as they can and write things as strongly as they can. Are you to take action against them all, by twisting the provisions of the Indian Penal Code? I submit respectfully that in that case no one belonging to the Congress party at least, will be safe in this Presidency. I hope and trust that the assent of this Government was given in this matter after carefully studying all the literature for which he was prosecuted. I suspect that the hon. the Law Member or those that are concerned in granting sanction may not have had opportunities of reading the particular speeches complained of. Possibly they must have read a translation of the speeches. Sir, we all know that translation always suffers either by exaggeration or by under-statement of the original. If they have not read the original and granted sanction as in Bengal, I trust that at least there will be no more cases like this. I appeal to Members of Government through you, Sir, again, not to be guided by personal prejudices in this matter. I request them to show some latitude to the spirit of the times instead of letting loose the sections of the Indian Penal Code on the people. After all these speeches are made in the interest of the country. Is not the hon. the Law Member an Indian Member? Does he not love his own country? Possibly in his mature age with his finished style he might say things and give

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expression to his intentions in a polished manner which intentions when expressed by young men might appear less careful and therefore somewhat dangerous. It is not the language alone that should be taken into consideration in these cases. It is the spirit behind it that should be considered. Before the Government gives sanction in a case of this kind, they should see what is the spirit behind the speech complained of. They should ascertain whether it is love of country or treachery to the Government. These are matters which I am quite sure all the Members of Government should take into consideration. But yet, it is quite possible that they may not have done so, especially in a case like this when every one of the Members of the Government Benches is afraid that any speech might upset this Government. I hope and trust that this sort of alarmist views will not be taken by the Members of Government and that they will not alarm the people by unnecessarily giving sanction to prosecute young men for noble expressions of views, unless they are sure that such speeches are calculated to create disturbance of the peace.

“One word more. Although I am tempted to refer to the speech, I shall refrain from doing so. Let us admit for the sake of argument that this is a highly seditious speech. Let us also grant the Government Member read the original of the speech and properly understood it in spirit and in letter. Even then, what is the policy behind the act of this Government in granting sanction? Is it a general policy that a particular progressive political party's views should not be allowed to be heard in the country? Is it to retard, whatever progress is attained by that party? Or, is it merely an act against this individual Congressman? I request the hon. the Law Member, through you, to be pleased to give us a clear enunciation of his policy in granting such sanction. I shall not take more of the time of the House. I hope the Government will consider this motion in the spirit in which it is adumbrated. If the Government means business, then every act of theirs must be above board; they should not run in these young men but should show enough of latitude. I would even take the liberty of advising the Government through you, Sir, that they may even sin on the verge of latitude rather than run in people whose freedom of expression on political questions is unpleasant to them.”

* Mr. G. HARISARVOTTAMA RAO:—“Mr. President, Sir, as I rise to second this motion, I do not for one moment feel that I should put in any special pleading either for myself or for Mr. Annapurnayya. Sir, in this year of Grace 1929, in this age of democracy, on this day when from every platform the official mind is being expressed in the direction of giving more responsibility to this country, I feel sure that in such an age as this, any civilized Government which had to care for its reputation would have thought thrice before it utilized its power of sanction to prosecute an individual under section 124-A. I want the hon. the Law Member to specially note the character of the section under which he is giving sanction. The history of 124-A is well known and the opinion expressed upon this section by eminent authorities is before the world. Every civilized man has had to hold that this section is one which is so wide in its application, so ambiguous in its interpretation and so exceedingly harmful to the interests of freedom that it has been held even by authorities convicting eminent personages that they had no option but to convict. I remember the memorable reference that the judge made in the case of Mahatmaji himself. He had no option. Mahatmaji was

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such a great man, such a good man, such a good soul and such an ahimsic spirit and yet the convicting judge had no option left to him under section 124-A. This section was framed for use by the bureaucratic side of the Government in this land when the bureaucratic side was ruling the country and had no idea that they would ever have to hand over the reins of Government to the sons of the soil. The times have changed, and it will also be noted that in the history of the use of this section 124-A, there has been an evolution towards widening the interpretation thereof and towards restricting the powers of magistrates in dealing with it. All the same, it appears as though the judges even to-day are inclined to look upon this section as a very ordinary section which can be easily used. That is the impression created by judgments given in other parts of the country. When the Madras Government had to sanction this particular prosecution, I believe it was the duty of the hon. the Law Member who in addition to being the Law Member is an Indian with wide experience of dispensation of justice in this country and who was in the Opposition Benches, to have carefully considered the matter. This is a section which has been condemned by all patriotic sections in this country and by all right-thinking men in the world. I am surprised that he should have chosen to act in the manner in which he has acted and given sanction for prosecution under section 124-A knowing full well that this section has wrought a great deal of mischief in this country.

3 p.m. "It will be remembered that prosecutions took place under this section for very wonderful sentiments expressed. In my own case, I remember that for my saying that the autocratic British Government was drying up at the mere breath of Indian nationalism, I had to serve three years of imprisonment. The section was used and is used in a most pernicious manner. It is quite possible that out of zeal for the advancement of the country and also in consideration of the meagre nature of the reforms which the Government are going to grant to this country, that people might express opinions which are antagonistic to those of the Government. Therefore, it was up to the hon. the Law Member of the Government of Madras to have carefully considered this question, viz., whether or not he should have exercised his power in according sanction under section 124-A. My contention is that no civilized Law Member who deals with questions of affection and disaffection in this 20th century, in this period of democratic evolution, would have thought of utilizing section 124-A for sanctioning a prosecution. Then, Sir, what was the time at which the hon. the Law Member chose to give sanction? He knew perfectly well—I do not think that he is such a hole and corner man that he does not read anything beyond those papers that are on his table—what was going on in other parts of India and the policy of repression that was launched. He also knew that there was hue and cry against that policy of repression, and should he not have calculated, before giving his sanction for this particular prosecution, whether his action would not be open to the charge that he was likely to introduce repression in this part of the country? Did he for one moment consider this aspect of the question? Did he carefully consider whether he was right in sanctioning a prosecution of this sort at a time when the whole country was undergoing a trial in other parts of India and it was likely that his action would be misunderstood in this part of the country? We on this side of the House do feel that the Government—more especially the hon. the Law Member who till yesterday belonged to a party

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which was in power and who to-day occupies the position of Law Member—attempted to support their own view of the Reforms in the coming constitution-making, and we feel that he had attempted to put a ban on free expression of views, however extreme those views might be. In a free country there must be room enough for free expression of views. If a man like Mr. Annapurnayya—who admittedly to the knowledge of many of us is a fair, frank and a good man, to the knowledge of many of us is a man committed to the Congress creed of Ahimsa, if a man like him had to be prosecuted, was it not incumbent upon the hon. the Law Member to have considered for a moment whether this step would be considered a step in the right direction, and whether it would not be considered as a step in the direction of repressing altogether opinion which was unpalatable to his party and the Government? I fear for these reasons the step which the Government have taken is a step in a very wrong direction. To characterize it with the lowest possible indignation, I may say it is a very unwise step. Wisdom in Government counts for a great deal. It sometimes comes too late—my friends remind me—but nevertheless I should be glad if it comes at all. I feel that it is incumbent upon the hon. Law Member—because he is an Indian, because I believe that in his heart of hearts he must be feeling the iron rod of repression, because I feel that in his heart of hearts he must be aspiring for that freedom which every Indian truly aspires for,—that he must desist from applying section 124-A and withdraw the prosecution that has been launched.”

* The hon. the PRESIDENT :—“I think I cannot allow the hon. Member to refer to that. He is at perfect liberty to comment upon the sanction that has been accorded.”

* MR. G. HARISARVOTTAMA RAO :—“I am sorry, Sir. I will not refer to it.

“Sir, let him rectify the mistake that has been committed. Of course we are prepared to face such a policy, and we are not in any way afraid of it. But what I submit is that he as an Indian will earn the everlasting gratitude of his countrymen by withdrawing this prosecution, and I dare say that his name will go down to posterity as a person who understood his own men properly and exercised his discretion in the right manner. I have no hesitation in thinking that my friends on all sides of this House will appreciate the point of view that this section 124-A must go, that this section has been long referred to as one that is put down mercilessly in the Indian Penal Code, and vote with us in order that the hon. the Law Member who per chance, by an oversight, by a mistake of judgment, has sanctioned the prosecution, might retrieve his position as an Indian and as one who was on our side at one time in the Opposition.”

* MR. C. RAMASOMAJULU :—“In supporting this motion, I may say clearly that it is not with a view that this sanction of prosecution should be revoked that we have tabled this motion, but it is due to a feeling created in the country that the Government are pursuing only one policy namely of repressing a particular political school of thought namely the Congress creed. It is that idea that has impelled us to table this motion. I say so, Sir, because that in recent days the Government have launched upon a policy of prosecution of persons belonging to one particular section in the country. I say this policy of the Government is most ill-advised.

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It is just possible during these active days of controversy, during days when the whole constitutional machinery is being overhauled, when revolutionary ideas are getting into men's minds and when new political parties are being formed, it is just possible to transgress section 124-A. After all, Mr. President, it is desirable that any political party in these days of political controversies should be given freedom for a full and free expression of their opinion, and I hope and trust that the hon. the Law Member will rise equal to the occasion and deal with the matter in a statesmanlike manner, because it lies in the discretion of the Government to sanction prosecution or not. This discretion has got to be exercised in view of the exigencies of the situation, in view of the changing circumstances in the country. As regards prosecutions under section 124-A, they have been going on in our country day after day and year after year. The question is whether in a country like ours it is possible to go on with our propaganda work strictly within the limits. Even Members of Government are not able to do it. Section 124-A is a provision which was included in the Penal Code when the several political parties that are contributing to the mental disturbance that now exists were not existing. Therefore, Sir, with these evolving factors before them, the Government ought not to sanction such prosecutions. That is the view I beg to submit, and it is with that particular object in view that this motion has been brought before this House. In these circumstances, the policy of 'let go' is absolutely necessary if the Government are anxious that there should be a free and full expression of opinion of the public belonging to different schools of political thought. My point is that Government ought to stop its hands and ought not to think of section 124-A. I may say that Government have got a special objective in matters of this sort, viz., of destroying a particular school of political thought. Nevertheless, I may assure the Government that this objective would never weigh with the other side. On the other hand, it would increase reaction in the country and strengthen the very forces that the Government want to keep down. This policy of repression has never succeeded. It is a strange irony that the present hon. the Law Member happened to be a Congress Member himself. I saw him on the Congress platform once. I met him once when he was speaking in the Congress on the South African Question. He was a Member of the Congress party, and he cannot deny it now. In his younger days we were looking upon him as a staunch Congressman. As Mr. Harisarvottama Rao put it, to-day he may be the Law Member. All the same he is an Indian. He was in the Opposition Benches, he was a Congressman; to-day he is Law Member. But he was born an Indian and continues to be an Indian. He is an Indian first and then anything else.

3-15
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"Another point which I wish to bring home to him is this. If there are breaches of sections 124-A and 153-A, and if these speeches are likely to bring disturbance in the public life of the country, if the speeches are having a deleterious effect upon the public peace of the country, I can understand the Government granting sanction. Mr. Annapurnayya is a devoted disciple of Mahatma Gandhi who has for his creed the first article of non-violence. Is it pretended that in his case there will be breach of peace or disturbance of the public tranquillity? If the Government feel that these speeches will set one political party against another or that there will be breach of peace, I can understand the Government exercising discretion in favour of the grant of

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sanction. It is out of the question in a case of this sort, in the case of a dramatic production referring to the year 1857 published in a certain paper, perhaps in a particularly high class literary style. It is too much to expect that a sanction once given would be revoked. We wish to be assured that he would not take the ill-advised course of launching upon a course of prosecutions against a particular political party. I warn the Government. They are bound to remove the suspicion that they are making common cause with this or that political party in the country and that they are destroying this or that party. It is their duty to let people have their voice in the matter of the future of their country, to give them the right of free expression with regard to what they consider to be the best interests of the country. Let not the Government do such things as to make the people believe that they are against any political party. It is with that view that this motion is moved, and I support it."

* Mr. D. THOMAS:—"Sir, I have listened very carefully to the eloquent and fervid arguments adduced in support of this motion by my hon. Friends sitting on the opposite benches, and I am sorry to say that no substantial reason which is worthy of acceptance has been urged by any of those hon. Members. Under the limitations under which we have to discuss this motion, we are not in a position to enter into the merits of the matter and consider whether the Government have granted the sanction on proper and substantial materials or not. On the other hand, we have to come round and round one proposition and bring in a number of considerations which, I think, are not absolutely relevant to the question. One of my hon. Friends has referred to the state of political agitation in this country. He even went so far as to say that revolutionary ideas are in the air. Far from this fact being an argument in favour of the motion, I think that that is a reason which goes the other way. Especially in this case when political evolution is in the air, when things are going so far as to be favourable for the inculcation of revolutionary ideas, I think it is the elementary duty of the Government to see that law is observed, that law is not transgressed, and that any transgression of law to whichever party the person transgressing may belong should be put down. Hon. Members on the opposite side seem to say 'Section 124-A is indeed on the statute book; but it must not be used.' Section 124-A makes speeches of certain character culpable under the law of the land. But still the Government should see that when such cases are reported to them and when prosecutions in such cases are recommended to them by their Law officers, they take no action thereon. I think that is a position which will not commend itself to any law-abiding citizen who is interested in the upkeep of law and order. I think that so long as section 124-A is on the statute book, the Government are committed to see that this section and other sections are utilized in proper cases. My hon. Friend, Mr. Harisarvottama Rao referred in very eloquent terms to the undesirability and backward character of the offences penalized under section 124-A. That is very well in its way. But then so long as the section is in the statute book, the Government should do their duty. In view of the fact that the country is in a state of political agitation, in view of the fact that new and radical changes in the constitution are being contemplated and according to the observation of one of my hon. Friends that even revolutionary ideas are in the air, all these circumstances go to show that the duty, the strong duty of the Government is to see that law is maintained, that

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law is observed. I submit that one of the duties of all civilized Governments—the words ‘civilized Governments’ were used by so many of my hon. Friends—is to see that law is maintained, that no individual is greater than the law and that no individual by reason of his individual character or qualities or position is exempt from the operation of the punishments which he justly earns by a transgression of the law.

“One of my hon. Friends referred to the fact that the Government are sympathetic in their attitude towards reforms. That is all the more reason why the Government should, while sympathizing with the just and legitimate aspirations of the people, as in duty bound endeavour to maintain the observance of law and order.

“My hon. Friend, the Mover of the motion, referred to the individual and personal qualities of Mr. Annapurnayya. I believe the fact that he is a patriot, the fact that he is a young man, the fact that he possesses very many amiable qualities does not exempt him from the operation of section 124-A, if he has committed an offence against that section. My hon. Friend also said that he has not offended the law either in spirit or in intention. I think these questions of intention and spirit need not be considered by the Government. They can only take into consideration the fact that certain speeches *prima facie* of a seditious character have been made, and very probably those speeches have been reported to them as speeches containing seditious matter by their law officers. I am not sure on that matter. That is my impression. If, as I take it, the Government have consulted their law officers, and the law officers have expressed the opinion that the speeches are seditious they are in duty bound to order prosecution without caring as to which political party the person belongs.”

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p.m.

* Mr. C. E. Woon :—“Sir, it is only necessary for me to say very little because Mr. Thomas who has just spoken has expressed my sentiments fully and has probably expressed them very much better than I could do myself. The points which I think the Mover and the seconder of the motion tried to make were firstly that Government were pursuing a policy of oppression against one particular political party. If that argument is advanced, it should be developed further; otherwise it ceases to carry any weight. The speaker should prove his contention by pointing to cases in which persons of other political parties have transgressed the law and have not been dealt with. It is no argument to say that there is unjust treatment of one party because the other party is not being similarly treated. I consider that if the Congress Party subject themselves to this treatment it is entirely their own fault. As Mr. Thomas pointed out, the Mover of the motion also said that the person arrested was a nice fellow and therefore should not have been arrested. Such statement cannot carry any weight in this House; it has nothing to do with the question whether the Government was right or wrong in sanctioning the prosecution. Such pleading may be of benefit to the accused in a court of law; the judge may agree with it and deal leniently in consequence; but I imagine that in this case the accused’s past record will be against him.

“It seems to me that there can be nothing more to be said on this debate; it is a question as to whether Government were in their rights or not in sanctioning the prosecution, and I hope the Law Member will be able to explain to the House whether his action was right or not. If the debate proceeds, it can only be because some hon. Members wish to make

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derogatory remarks generally about Government, quite apart from this case, and I am sure, Sir, you will not permit this to be done. I hope therefore that the hon. the Law Member will take an early opportunity of explaining Government's position."

* Mr. S. N. DORAI RAJA :—" Mr. President, Sir, I rise to oppose this motion for adjournment. Every act done by the Government unfortunately has the same effect on our Swarajist members as a red rag to a bull. It has become a habit, a very unpleasant habit with the Opposition to discuss in an adjournment motion on the floor of this House the actions of the Executive taken in the legitimate exercise of their functions and thus cause demoralization and discontent detrimental to the due discharge of their duties. Law is no respecter of persons. Any Government that does not see to their laws and regulations being respected is not fit to exist as such and is not worth the name of Government. Just to say that because this particular gentleman is prosecuted because of his political persuasion and attribute unworthy motives to the Government is not only becoming of an hon. Member of this House but vitiates the political atmosphere of this Presidency. It is for the court to decide whether the interpretation given to the speeches by the accused is correct or not and not for the Council to arrogate that power under the guise of a privilege of this House. It is unfair and unjust. It seems to me, Mr. President, that this adjournment motion is only another attempt to gauge the intentions of this Government as to how far it affects the electioneering tactics of the Opposition."

* Mr. K. V. R. SWAMI :—" Mr. President, Sir, it was really surprising to hear the two speeches made by Mr. Thomas and Mr. Dorai Raja. I am not surprised at the speech made by Mr. Wood ; I expected no other thing from him. He would not have been here, if he had not held such opinions. But I am very sorry for Mr. Thomas, an Indian gentleman who has been given good education, talking like that, without understanding the politics of either this country or any other country and saying that the law must be no respecter of persons and that it should be pursued with all rigour. That is a very real surprise to me. Of course he must have earned the encomiums of the European Members of this House. (Hear, hear.) I appreciate his qualifying himself for that, but he will not be a true son of India if he really feels what he says. He would not be allowed to talk like that in any country, even in England or in Ireland much less. What had happened in this case ? We know that Mr. Annapurnayya is a young man with culture and education which will not be any way behind the education received by any Member of this House including Mr. Thomas. What crime has he committed ? I wonder whether Mr. Thomas has gone into this question at all. No, the blessed Government has sanctioned his prosecution and that is sufficient for Mr. Thomas, and he says that the man must be condemned. He has not looked into the facts at all. What is the offence committed by this young man ? Would he have been prosecuted in any other country except in this unfortunate country of ours which is being ruled by the foreigner for the time being ? Two charges have been made against him ; one is that he sold some pictures and the other is that he published an article in his paper called, "The Congress", and on these charges he has been prosecuted. Supposing the article is seditious"

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* The hon. the PRESIDENT :—“ I do not think I will be justified in allowing the hon. Member to refer to the materials of the prosecution. He has entirely to confine himself to the circumstances under which the Government had to exercise its discretion in granting the sanction. I do not think he can be allowed to refer to any of the circumstances under which Mr. Annapurnayya was prosecuted.”

* Mr. K. V. R. SWAMI :—“ Sir, I grant that the article is seditious, I grant that to distribute the portraits of the heroes of 1857 is seditious. I also grant that the distribution of photographs of Rani Lakshmi Bai, a girl of 22 who fought and died so bravely in 1857 is seditious. Assuming all that, is that enough justification for sanctioning the prosecution? Mr. Thomas says ‘ Yes, why should he not be prosecuted ’. I take up the challenge. I ask this House, ‘ Is not every political speaker in this country committing the same offence under section 124-A? If you are an honest Government, if you want to put a law into force, prosecute them all.’ Then let us see what the fate of this Government will be. You have not the courage to do that; you only pick up a man here and a man there and prosecute them. I admit and everybody admits that we should see that this policy of the Government is not the right policy, that the sooner it is ended the better. Either it should be mended, or it should be ended; we are not asking, as the hon. Mr. Wood thought, that members of the other parties also should be prosecuted. We are not for prosecution of anybody whatsoever. So far as section 124-A is concerned—I do not know whether my Friend Mr. Thomas reads any paper at all—my hon. Friends will see that there are greater things going on in this country. Why do you trouble yourselves at this stage with 124-A? There is revolution going on in the north, it may come to the south some day, and it may pick you up and eat you up. Change your form of Government or walk out. That is the challenge given by the young men of India. Of course, there may be here and there persons like my friend Mr. Thomas and a few others; but that is not the question. The reason why this motion has been brought is this: just to find out how many more Thomases are here (laughter), to find out whether there is any unpatriotic man in this House who would vote against this motion. Let them go to the country and explain the position and tell the country that they were all for prosecutions of men like Mr. Annapurnayya. If he had cared to stand for election, if he had cared for this House, he would have been the first person to be elected. How is it that he does not care for all these things? He wants a better form of Government in this country. He says that the present form of Government is a rotten one; it only produces men who cringe before a foreign Government and ask for favours. It cannot produce brave men as in other countries. My Friend Mr. Thomas says that in any civilized country such men ought to be prosecuted. Does he know what happened in Ireland in 1913? The Home Rule Bill for Ireland was proposed by Mr. Lloyd George. Loyal Ulster men who have got greater respect for law than my Friend Mr. Thomas or anybody else here, drilled and trained men to oppose His Majesty’s Government in case they granted Home Rule for Ireland. Such a great man as Sir Edward Carson was drilling men. For what purpose? To dethrone His Majesty’s Government by force of arms. What did the Government do? What did the English Government do in this matter? Was there any law prohibiting that kind of thing? Yes, there was enough law in that country to prohibit it. There was the Treason and Felony Act, also the Unlawful

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Drilling Act of 1890 ; but all the same, Sir Edward Carson and others were not prosecuted at all. Why ? Why did the Englishmen have no respect for law in their own country ? Because they knew where it will lead to. Sir Edward Carson had actually got weapons and drilled men prepared to dethrone the Government established by law made by themselves, not any law made by any foreign Government ; and yet the Government did not prosecute him, they kept quiet. What did Nationalists do ? They drilled their own men to fight the Ulster volunteers. When they did not prosecute Sir Edward Carson, they could not prosecute the Irish nationalists. The Government knew that if they prosecuted those nationalists, there would be revolution in Ireland."

Mr. N. SIVA RAJ :—" On a point of information, Sir."

* The hon. the PRESIDENT :—" No information can be asked for now. The hon. Member will kindly resume his seat."

* Mr. K. V. R. SWAMI :—" Again, in 1916 there was rebellion in Dublin. In that rebellion, 124 soldiers, Englishmen, were killed and 385 men were wounded. What did the Government do ? The Government did prosecute certain persons, but within three years they had to release all of them. Why was that ? Was not the Englishman a respecter of law ? Yes, but the Government knew that if they had kept them in jail, their days would have been counted and that they would have to lay down their office in a few days. So, the best way was to release them. On so many occasions the English Government has done the same thing. From the year 1820 to 1916 there was not a single case of execution of anybody for high treason, although, according to the law of the country, anybody who was convicted of high treason could be given the extreme penalty and be executed. Yet, the Government of that country did not do it. During that period some men were, no doubt, convicted but soon after they were given free pardon. Some of them became hon. Members of the House of Commons. They ruled the country, they made laws and became also Cabinet Members. My Friends here say that law is not a respecter of persons or parties. We do not seek for favours. We do not want to go before the Law Member and say that 'when you were a Congressman you were a good fellow, but why did you now prosecute Mr. Annapurnayya.' But we say, if you are an honest man and if you want to put the law into force, enforce it against all. If you are a brave man, don't choose one man here and another man there, put them in prison, give them no food, starve them and torture them. That is not the sort of thing you ought to do. We only want to test the Members of this House, and see how many of them are with us, and how many are against us. We do not want to seek favours. Even my hon. Friend the Law Member would feel like me if he were here, but unfortunately he does not feel like me on account of certain circumstances. So long as those circumstances exist, his feeling will be adverse to us. Perhaps it may be said that the reforms are coming, and so this atmosphere should calm. I do not believe even in that. The reforms may come or they may not come. The reforms may or may not be useful. Perhaps under the new regime, there may be greater conflagration after the present period. There may be freedom or there may be independence. Whatever might happen in future, that is a concern of ours ;

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we are only discussing things as they exist now. We only say that if the Government are honest, let them put the law into force against us all and try their chance and not pick up a man here and another man there. With these few words, I support the motion."

* Mr. A. KALESWARA RAO :—" Mr. President, I congratulate the Government for having got a Daniel for judgment. We do not want to enter into the merits of the article of Mr. Annapurnayya published in the 'Congress'. Let it be seditious or let it not be seditious. Of course that is the question now before the court. The Government side says that it is seditious and that it transgresses section 124-A of the Indian Penal Code. On the other side, Mr. Annapurnayya says that only the historical fact was depicted. He never meant that violence should be used now by anybody. Of course, Mr. Annapurnayya is a non-violent man, and there is no question about that. He belongs to the Congress, and the creed of the Congress is avowedly non-violence, and no heads have been broken and no riot took place. No violence occurred anywhere. There was only some freedom of expression and some freedom of speech or some writing in a newspaper. The question now is whether this discretionary sanction for prosecution by the Government is justifiable or not. After all, laws exist, particularly laws like sections 124-A and 153 are discretionary. In every case they are not being put into force. That is why policemen would not arrest persons, the courts would not prosecute persons unless the matter goes up to the highest Government in the land which considers well and sanctions prosecution. We are now considering the policy underlying this sanction for prosecution. The Government of late has been pursuing a policy of repression which is insane and short-sighted. Of course, from the point of view of Government itself, there has been a regular conspiracy between the hon. the Home Member and the Law Member, and the police have been running amok and shadowing everybody, every congressman, every political worker and everybody who is likely to be a little active in these days of agitation and unrest. . . ."

* The hon. the PRESIDENT :—" I request the hon. Member to leave that point and to go to the question at issue."

* Mr. A. KALESWARA RAO :—" This is only an act of this repressive policy that is being carried on by Government. It is to condemn that repressive policy and to say that the Government is following a mad policy, that repression will not pay, that repression in every country has failed, and that it will fail even in this country also, except that it will produce more and more agitation in the country and more and more unrest and that more and more of these young men will go out of our hands, that this motion is made. Thanks to Mahatma Gandhi. In spite of this repressive policy of the Government and in spite of its mad acts, the country has not gone to violence. It is not on account of the fear of the jails or the swords of the Government that the country is calm at this very juncture when there is so much agitation, but it is due to the preachings of non-violence and ahimsa of that great soul, the greatest man living on earth—Mahatma Gandhi. You must thank him really, otherwise the country would have gone out of your hands and even out of our hands, who believe in a policy of non-violence and ahimsa for achieving our Swaraj. We believe that the foreign Government is an unmixed evil. As civilized men, as men of all civilized countries like

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England, France, Germany, Poland and the United States, do, as civilized Indians, educated Indians, we all believe that the foreign Government is an unmixed evil. This foreign exploitation cannot go on for a long time, and therefore it must be put an end to, and we must get Swaraj. But if the British Government comes to peace with us, let us have dominion status, and if the British Government is stubborn and does not care for the aspirations of the people and on the other hand goes on with repression in this fashion

*The hon. the PRESIDENT :—"Order, order. I am afraid the hon. Member's remarks are not at all relevant to the present discussion."

* Mr. A. KALESWARA RAO :—"And if this repressive policy is continued, I am afraid, there will be revolt, and independence will be declared, and then the Government will have greater troubles. Therefore, instead of following this policy, it would be better for the Government if it is to continue in this country to go behind the unrest and to examine the causes of the unrest and recommend to Government in Great Britain to remove these causes and to give us dominion status at once. There is no use of prosecuting Mr. Annapurnayya . . ."

* The hon. the PRESIDENT :—"I think the hon. Member is giving a wrong turn to the whole debate."

* Mr. A. KALESWARA RAO :—"Let the Government take a warning. I condemn, we all condemn the policy. We are not sorry that members of our party are prosecuted. Of course we welcome that sort of thing. After all, it will be in the long run good for the country, though not good for the Government. It is very good for the development of nationalism quickly in the country. We do not believe in prosecuting anybody. When we get Swaraj and when we sit on the opposite benches, even then we do not believe in prosecuting members of other parties including Mr. Wood for exploiting our country. Therefore, I submit, it is time for the Government to think well and to reverse its policy. I do not say that they can withdraw sanction that has been given, but at least they can withdraw the prosecution. It is not too late for them to do so. I therefore appeal to Government that it is time for them to withdraw the prosecution."

* Mr. J. A. SALDANHA :—"Mr. President, Sir, I am rather at a loss to understand the mentality of my hon. Friend Mr. Thomas and other friends who oppose this motion. Now, if the law is to be respected and enforced, I am sure, the hon. the Law Member will also agree with me, that all those people who proposed the independence resolution at the Madras Congress and later on and all those who supported it will have to be prosecuted for sedition and inciting the people to revolt against the established Government. They will not be few, but they will come in hundreds and thousands and has the hon. the Law Member the courage to prosecute them? People nowadays talk openly that we must shake off the British allegiance and throw off the British Government, and that we must have independence. I am wondering why the Law Member has been sleeping without prosecuting them. When he was a Member on this side, I think he made speeches fostering a spirit of discontent among the tenants of Malabar which almost amounted to sedition. In any case it is not affection to the British Government but disaffection against the British Government as constituted at present and against the laws in

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Malabar that he then consciously or unconsciously roused among the tenant classes. He even went to the extent of threatening a French revolution in Malabar if the demands were not granted, while I myself threatened something like a Bolshevik revolution in the country if his Malabar Tenancy Bill was not passed.

"Then, take the report of the Simonite Committee, which has been signed by my hon. Friend Mr. Thomas. It does not breathe affection towards the British Government as constituted, but on the other hand there is much in it to arouse a lot of disaffection which can come under section 124-A of the Indian Penal Code if the law, defective as it is, is enforced. I do not know how he can claim immunity if he is prosecuted so far as this document is concerned. Now, Government single out a man here and another there for prosecution leaving out thousands of others. There would be really justice if Government prosecuted many more of the offenders among all parties not merely the Swaraj party. But I consider the present policy a real stupidity on the part of Government. It is the same stupidity of the British Cabinet and a Liberal Government that prosecuted men just on the eve of the revolution in Ireland. I forgot the name of that famous Mayor (I think his name was Mr. MacSwiney) who was prosecuted and imprisoned and who died on hunger strike. It was the prosecution of many such like Irish patriots that sounded the death-knell of the policy. What is the meaning of this sort of prosecution here and there? It is only causing unnecessary vexation all over the country. A prosecuted man becomes a martyr, who otherwise might have been unknown to many. As a matter of fact, very few had heard of the name of this gentleman, but there are thousands who know and admire him. So many Congressmen are prosecuted and convicted of sedition in these days and go in for hunger strike and become heroes like Mr. MacSwiney whose martyrdom brought about the practical exit of the British Government from Ireland. Mr. Tilak's prosecution made him a hero, and Mahatma Gandhi's prosecution brought in another hero, and so many other heroes are being created and put forward before us. This sort of repression must recoil on the British Government. I for one do not want at all the end of the British Government. On the other hand, I swear by the British Crown. But if you persist in following this present repressive policy, I am sure it will accelerate the end of the British Empire in India. If my hon. Friend Sir Patro and his committee demand changes which the British Government at one time considered revolutionary, what is it due to but to the atmosphere created in the country by the Congressmen? If you have got the courage, you should prosecute all the Congressmen. I am sure, Sir, that if the policy of repression be persisted in, we may have to walk out once more, and preach to the country the boycott of Government. How many of us are you then going to prosecute? Are you going to check us by this policy? I am afraid if you persist in this policy, you will only be driving all the moderates among us into the fold of extremists. You are already driving out even the few people who are now with you and who are of moderate persuasion. And the day will come when you will have to repent it and repent seriously. Men who are sworn friends of the Empire, men who would stand by it, men who would support the British Empire like myself, men who would die for the Empire, it is they who are driven to the extremist camp. In the name of the people of this country, I utter this warning to you that by following this

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policy you are accelerating the disruption of the Empire, as you have seen it done in the case of Ireland. What is Ireland now for you, and what are your colonies to you? In Canada and South Africa, the British flag is hardly respected now. And as years go on, every colony will be practically independent."

The hon. the PRESIDENT :—"The hon. Member will please address the Chair. In a debate of this kind it is always safe to do so."

* MR. J. A. SALDANHA :—"I have not much to say, Sir. In fact, I did not intend to take part in the debate on this occasion but the speech of my hon. Friend, Mr. Daniel Thomas, an Indian Christian, has made me rise to make these observations."

MR. P. C. VENKATAPATHI RAJU :—"Mr. President, Sir, we are here this afternoon to discuss the action of the Government in sanctioning the prosecution of an honourable and honest worker in the country, Mr. Annapurnayya, a man who has got the courage of conviction and has expressed views which I take it are shared by every son of the country who loves his Motherland. The views he expressed were not the views either of the Government or of the country. Unfortunately, it was an occasion on which we were reminded of the plight to which the country is doomed by an unprepared, unready and unsystematized revolt of the country as that in the year 1857. Had it then succeeded, there would have been no occasion for celebration in this way. Mr. Annapurnayya reminded of the sad plight of the country on that occasion, and had the boldness to express views as I said already that are entertained and expressed by every son of the country who loves his Motherland. The Government in sanctioning the prosecution for expression of such views is not acting in the best interests even of the existing Government. No Government, even the most autocratic Government of Czarist Russia, was able to suppress the views which have been the result of the system of government. If they want to change the views prevailing, it is not by sanctioning such prosecutions but by changing the system of government. I know they can prevent to some extent the open expression of views. I have myself believed that the views of my hon. Friend, the hon. the Law Member are not different from those expressed either by Mr. Annapurnayya or any Member of this House. I cannot for a moment believe that there is no Indian who in his heart of hearts welcomes the foreign domination for ever, especially when it is carried on in the way in which it is being carried now. If my hon. Friend, Mr. Saldanha says that we are still for the British Government, I know he really means, as honourable partners thereof and not as co-operating in any way with the present form of government. I believe a leading vakil as my hon. Friend Mr. Thomas is, an expert in Indian Penal Code and the Code of Criminal Procedure, he has not taken into consideration the safeguards that are provided even by the framers of this infamous section relating to sanction for prosecution in the Penal Code. They do not say that every man, every expression of view that may be construed as sedition by an alien, bureaucratic foreign government should be prosecuted. They thought that there would be better sense, better discretion in the Government. Even though there may be expressions of sedition, they do not give the power to every policeman or a magistrate to take cognizance of this offence. What is the object? The object is that even though some views may be against the Government, the Government should consider whether in their own interests or in the interests

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of the country that a prosecution should be launched for such expression of views which cannot be naturally suppressed from the minds of the people who are being brought from a high state of civilization to this unfortunate condition by foreign domination for a century. And the hon. Member Mr. Daniel Thomas thinks that simply because there is a provision in the Indian Penal Code, it is the bounden duty of the Government to prosecute every man. Laws are made, especially such sections in the Act, in the interests, I cannot say of good government or better government of the country but in the interests of the party that is being benefited by having a country like India under its domination. I am referring to the sections dealing with sedition and kindred offences. Such sections my hon. Friend Mr. Thomas wants to be put into operation against any and every one. I do not join with some of my hon. Friends in the complaint that these prosecutions are mainly directed to one political point of view. It is natural, and one must be glad to receive the brunt of the blow from the enemy's camp. Every one must be prepared to receive these blows, and I know the time will come when the other parties here will not grudge coming in a line with our party in the country, and I feel confident that the time will come when there will be one political party whose sole object will be to redeem this unfortunate country from foreign domination."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, my Friend Mr. Anjaneyulu was putting a series of questions to me and I shall now answer them. He wanted to know whether prosecutions like this are intended to be only against the members of the Congress party. I may tell him that the Government make no distinction between one party and another so far as prosecutions under section 124-A are concerned.

"Then, my hon. Friend asked whether it is the intention of the Government to repress political agitation in the country. I may tell him that it is not. My Friend then asked me whether the Government are against a frank expression of views on political questions. I may tell him that the Government are not. And then my hon. Friend wanted to know whether the Government got alarmed, in other words, I suppose what he meant to say was whether the Government were really panicky in according sanction to prosecute in this case. I may tell him that the Government were not panicky at all and that they were not alarmed. I may tell my hon. Friends, Mr. Anjaneyulu and Mr. Ramasomayajulu, who in their speeches constantly referred to the policy of the Government in according sanctions under section 124-A, that there is no policy at all and that each case will depend upon its own merits and, in the present case, the highest law officer and adviser on questions of law to the Government strongly expressed his opinion that the article for which this particular sanction was accorded was highly seditious."

* The hon. the PRESIDENT:—"I think the discussion should be confined to the conduct of the Government in granting the sanction, and I do not think it is advisable that Government should quote any opinions regarding the merits of the articles under adjudication. I think, in order not to prejudice the trial that is going on, that it would be best not to refer to the material that induced the Government to accord sanction, the political atmosphere and the considerations that weighed with the Government. The Government may say that in the individual case they took into consideration the political atmosphere

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and other considerations and that they were satisfied. In order to prevent the prejudicing of the trial, I think it is desirable on the part of the Government as well as of the Opposition not to refer to the merits of the case."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" As a matter of fact, I entirely agree with you, and I consider it extremely unfortunate that in the interests of the accused person this motion has been tabled by my hon. Friend (Voices: 'Oh, oh'), so that I will not refer further to that aspect, and in fact I do not want to. 4-15 p.m.

" As I said, Sir, the Government have the best of reasons for granting sanction in this particular case for the prosecution of this particular gentleman. And, as a matter of fact, I go further and say that if in this particular case, having regard to the facts before the Government, the Government had not granted sanction to prosecute this particular person under section 124-A, the Government would have been wanting in their duty, and the Government would have grossly failed in their duty to themselves and to the people. And having regard to one particular circumstance which also was before the Government, namely, that this gentleman was already prosecuted for sedition under section 124-A and was sentenced to one year's rigorous imprisonment, the Government would be totally unfair to themselves and to the public if on the facts before them they had failed to grant sanction for this prosecution. I submit, Sir, the only question before this House now is, in the words of the adjournment motion, the recent action of the Government in granting sanction to prosecute Annapurnayya. I may state with considerable respect to what has been said by my hon. Friends from the other side, that most of what they said was irrelevant. They wandered to America, to Ireland and all over the world (A voice: 'To Malabar?'), and to Malabar also, but they avoided the only question that could be legitimately discussed under this adjournment motion, namely, the action of the Government in granting sanction for prosecution in this case. That is the one point on which they did not speak. They referred to all other points and all other subjects. And especially, I submit that Government would not have been perfectly justified, in fact, if they had not granted sanction for this prosecution. I have nothing more to say, Sir."

Mr. SAMI VENKATACHALAM CHETTI :—" Mr. President, Sir, I rise to speak on this motion only with a view to answer one or two points raised by the hon. the Law Member. If anybody had misconceived the scope of this motion in spite of your reminders, it is the hon. the Law Member himself. (Hear, hear.) The Opposition was perfectly right in not referring to this individual case of prosecution but to the conduct of the Government in having prompted this prosecution. It was perfectly within its legitimate rights and in perfect consonance with the dictum that you have laid down in discussing this question to have referred to similar circumstances in other countries for the edification of the Government and the hon. the Law Member.

" Mr. President, the hon. the Law Member prefaced his speech by saying that in the matter of these prosecutions there was no question of party considerations and that the distribution of this generosity of prosecutions was fairly even amongst all parties. I challenge that statement, Sir, and point out to him that in his own regime here persons belonging to the Congress party who had been served with notices under section 144 were booked immediately under that section, while non-Congressmen who had been

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similarly served with notices under section 144 were let off without being brought to court. (Hear, hear.) I would commend this particular action of the Government for the consideration of those European gentlemen who are sitting there and ask them to see whether the Government were right in showing this kind of discrimination as between parties and parties in not bringing certain persons belonging to other parties to book when they serve notices on them under section 144, while they would punish or bring to book Congress workers who have been similarly served. Sir, I am not surprised at the defence put forward by my hon. Friend Mr. Dorai Raja, Rajkumar. He said it was an unfortunate circumstance that every executive act of the Government should be condemned by the Opposition, and he felt the unfortunate circumstance in which the Opposition was placed in having to raise objections to executive actions from time to time. Well, Sir, I am afraid there are only two parties who are always unfortunate. One is the Opposition and the other is Mr. Dorai Raja, Rajkumar, himself. It is his unfortunate lot to defend every action of the Government (Hear, hear) and after all he earned his Kudos in doing that. And I suppose we are entitled to the same kind of Kudos from our constituencies for opposing every act of the executive of this nature.

"Sir, there is no use of repeating the arguments which have been advanced in advising the Government not to have launched this prosecution. It seems to me that the Government members are impervious to public opinion, that they take this debate in a very light-hearted fashion and in a spirit of levity. I do not know if the hon. the Law Member has realized that among those persons who have spoken in favour of the action of the Government there is not a single hon. Member from the party from which he has been sent to this Government, there is not one single member of the Justice party who went to the rescue of the hon. the Law Member in defending his action, the action of the Government. It was left to the representative of the Indian Christian community, Mr. Daniel Thomas and to the nominated gentleman, Mr. Dorai Raja, Rajkumar, to have defended the action of the hon. the Law Member. That, I submit, should serve as an indication that he has not got the support of even his own party in this connection. Sir, the hon. the Law Member said that there was no policy behind the Government in launching on these repressive prosecutions of political workers. May I remind him that this is not the first prosecution which has been launched under his regime? What about Mr. Sambamurti? And in answer to an interpellation put on the floor of this House, the hon. the Law Member had the hardihood to admit that Mr. Sambamurti was made to walk two miles, his own baggage being carried by himself. I should like the hon. the Law Member to forget for a moment that he is the Law Member and remember that he is a common individual and compare his own merits and demerits with those of Mr. Sambamurti, and I want to know whether it would lie in his mouth to have defended the action of the Government in compelling Mr. Sambamurti to carry his own luggage and walk a distance of two miles. Sir, whatever be the differences in our political views, we must respect the individuals holding opposite views. We must have respect for those who are sacrificing themselves for the cause they believe in. For some of us, our flesh is so weak that we do not put ourselves to sacrifices of that nature. But to such of those great men to whom it is given to sacrifice themselves on the altar of mother India we must show

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our respect. And the one way of showing our respect is to treat them as gentlemen and not as convicts. They are suffering punishment not on account of any offences involving moral turpitude but on account of principles. To such men our greatest respect is due, and it is simply deplorable that during his short tenure of office as Law Member, his tenure should synchronize with a policy that is distasteful not only to the Opposition but also to the members of his own party who are so discreetly silent over this matter."

* Mr. S. SATYAMURTI:—"Sir, the tragedy of this Government is that they are able to get Indian supporters for the most extreme and reactionary steps they want to take. My hon. Friend the Law Member was a member of the Opposition for a very long period and has been translated to this high office only the other day. Already he has become such an adept in bureaucratic language that without the qualifications of a finished bureaucrat he imitates the manners of the bureaucracy which really reduces him to the position of impotence and ridicule. When this question is raised now, he gets up and says that the Government have the best of reasons. The Opposition asked him, what are those reasons? He smiles and passes on. That is because either the reasons do not exist or he does not know them, or it may be because he carries out his invisible masters' orders. Why does he not say what those reasons are? He says 'the best of reasons'. What are those reasons? He does not give any. He adds that if the Government had not given sanction the Government would have abdicated its functions. Does he take us all to be people wanting in intelligence? Does he take this House seriously? Does he simply think that if he merely says 'No' to every question asked and ends by saying that the Government have the best of reasons which he does not know and which he cannot disclose, he has made out a case for the Government? It seems to me, Mr. President, that the question raised by this motion is so important that the Government should have given some definite answer to it. I entirely agree with the sentiments expressed by my hon. Friend the Member for the City of Madras who spoke just before me, and I do challenge this Government and state that this Government have been using, especially after he became Law Member, the penal sections of the law of this country for supporting one party and fighting another party. I make that deliberate charge against him, and I ask him to lay his hand on his heart and say whether the Government has not pursued that policy.

"Then he says that each case is examined on its own merits. Now, Sir, what are the merits in this case which according to him justify the Government in giving sanction for this prosecution? He simply makes a statement, and passes off by saying, 'We have done so, and if we had not done so, we would not have done the proper thing'. This is a mere syllogism which would only impress boys who are carried away by words, but not serious men. By saying this, he merely exhibits the hollowness of his position and the spirit of irresponsibility in which he takes the duties of the high office which was thrust upon him almost without his knowing it.

"So far as the merits of this motion are concerned, Mr. President, this section 124-A is the 'prince of sections' as Mahatma Gandhi has called it. Lokamanya Tilak and others have been sentenced under it. But the scheme

[Mr. S. Satyamarti]

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of the whole Criminal Procedure Code is that with regard to certain specific offences it is not every member of the public that can set the machinery in motion for trial by courts of law ; it is not everybody who can set the courts of law in motion. It is reserved in some cases to the Government to decide whom they should prosecute, as it is reserved to certain persons in marital offences to take action or not against the culprits. It is so reserved, because the law-makers of this country even in those old primitive times considered that it would be a dangerous power in the hands of irresponsible people if every time the offence is committed the courts of law are set in motion. It was therefore reserved to the Government to give or not to give sanction. One of my hon. Friends asked the hon. the Law Member to state his policy in respect to this matter, and he said he had no policy in the matter, and he repeats it thrice, without even knowing the implications of that statement. This is the kind of statement, I often hear, from that Treasury Bench, a statement made with much complacency and satisfaction, 'I have no policy.' Then what are you there for ? Is it to act as the head clerk of the office of the Government ? Are you put in that responsible position drawing Rs. 5,333-5-4 a month to sign the orders of your Secretary ? What are you there for if you have no policy ? I think you must be ashamed to make a statement like that.

4-30
p.m.

"Then, Sir, I want to make one point. This is a transitional stage, and even the Madras Government say that they are for provincial autonomy. And what happens when full provincial autonomy comes into force, when seven or eight Members will be Ministers ? To attack them will be the only occupation of a serious opposition. Our constant attempt will be to bring them into hatred and contempt before the people, to use the words of this section. Otherwise, how can we criticise them and displace them ? Are we to praise them always and say 'these are the paragons of ministerial virtue ?' If so, they can never be displaced. The whole idea of responsible Government is for the opposition to attack the Government and bring it into hatred and contempt. Parties change, and they are replaced by better and more patriotic men. Now, is this the thing for which the Madras Government stands ? Is this the Government, which in a moment of forgetfulness wrote the Simon Memorandum, that is going to usher in a new era ? They do not understand the elements, the A B C of responsible Government. Otherwise, they would not go about sanctioning prosecutions of this kind.

"Then, Sir, I want to refer to what my hon. Friend from Godavari said with so much feeling and pathos. It is not as if we are asking for mercy. We are fighting to displace this Government. We must pay the price for it. But why don't you play the game like sportsmen ? Let them by all means fight with clean weapons, with honest weapons, with honourable weapons. Let them not hit below the belt. Let them not make sport of one party by manipulating the Penal Code. That is the game which this Government has been playing, and which is stinking in the nostrils of every distinguished politician in this province.

"Then, Sir, I am asking the hon. the Law Member, if he is capable of answering this question, whether this prosecution does any one any good. Does it increase the prestige of the Government ? Sir, if this Madras Government is continually brought into hatred and contempt, it is not by the

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[Mr. S. Satyamurti]

speeches of men like Mr. Annapurnayya but by the performances of men like Mr. Krishnan Nayar, men who ought not to be on the Treasury Bench of any Government, who have no idea of responsible Government, who go about sanctioning prosecutions without knowing what they are doing, without being able to give an intelligent and intelligible answer. Sir, if this Government has been brought into contempt and hatred more by its performances than by the speeches of Mr. Annapurnayya, can there be any more contemptible Government than this, which gives a Law Member of this kind, who does not know what it is to prosecute, who does not know what the Government's duty is in a matter like this?

"Then, Sir, so far as the prestige of the people who are prosecuted is concerned, I am sure you know as every Member knows that to-day the vast number of people in this country, excepting the doubting Thomases, hail as a national hero the man who has been in the jail. He is the man who commands the confidence of the House, of the country, and that shows that when there is real democracy in this country the Treasury Bench will be filled mostly by men who have been in jail sometime or other. To-day, we have got at least four or five such men in the British Cabinet. (A voice: 'Six.') I want to put it to my hon. Friend Mr. Krishnan Nayar that he will be forgotten as an accident in the history of the Madras administration. The names of those people whom he is now prosecuting will be written in letters of gold, and posterity will remember them as the saviours of the country's honour and freedom. I therefore pause to ask my hon. Friend to reconsider his decision. Only he does not encourage anybody to support him.

"I have only one word more to say, especially to my hon. Friend, the leader of the European group. Sir, when a great nation has made up its mind to attain its freedom, there is no power on earth, not even Great Britain, to stand in its way. The only question is whether that freedom is to be won by friendly co-operation between Britain and India or in spite of Great Britain. By all means, let the Europeans support this Government. But this Government will go. As friends and colleagues, I appeal to them to look upon us as the future Government of this country. I should tell this to my European friends. Mr. Lloyd George, Mr. President, in the House of Commons, when he was treating with Mr. De Valera, was asked by certain members, 'How dare you treat with a murderer?'. Mr. Lloyd George replied, 'Mr. Speaker, I can only deal with those who can deliver the goods.' I tell the European Members, 'Don't stand in our way. If you will stand by me, we shall stand by you.' So, it is not necessary that my European friends should support this Government in its usual 'chivalrous' action. I would ask my European friends again to remember that the seditious people of to-day, as they are called, will be the rulers of India tomorrow.

"With these words, I would ask every hon. Member of this House to support this motion."

* The hon. Sir THOMAS MOIR :—"Mr. President, the debate this afternoon has suffered very much from the necessary limitations which were placed upon it. But perhaps, I might preface my remarks by calling in the attention of the House to the real issue, which we have been discussing. Section 124-A of the Indian Penal Code is to the effect, that 'whoever by words, either spoken or written, or by signs or visible representation or otherwise, brings or attempts to bring into hatred or contempt or incites or attempts to incite

[Sir Thomas Moir]

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disaffection towards His Majesty or the Government established by law in British India' shall be subject to a certain penalty. Now, several Members opposite have argued that that section should be abolished. That section was not introduced into our penal code merely as an exercise in legislation. It was to meet undoubted evils and abuses, and, unfortunately, we are debarred on the present occasion, or perhaps I should rather say, necessarily debarred from considering on its merits the actual case, which is the subject of this motion. That issue is under consideration by the court, and I will only say that if the decision is adverse to the person concerned, his remedy lies in an appeal to a higher court. We have heard from various members arguments put forward as to why Government should not, either in this case in particular or in all cases in general, have given sanction to the prosecution. To me, it seems that the question is not one of the charming manner of an individual or any such personal consideration. It is whether he has offended against this or that section of the penal code.

"A further question has been raised as to whether the Government have, by their action, taken against this particular individual, manifested a distinct change of policy. The hon. Member for the University twitted my hon. Friend the Law Member with the fact that he only stated certain reasons, and that when he was asked for other reasons he only smiled. (Mr. S. Satyamurti: 'He gave no reasons.') 'He did give certain reasons.' But he was obviously debarred from touching on other reasons by the very limitations of our debate. Otherwise, he would have to refer to and examine in detail the speeches made by Mr. Annapurnayya. Then, the hon. Member for the University also twitted the hon. the Law Member with the fact that he said that he had no policy. Now, this is simply another instance of the utter incapacity of the Member for the University to understand what other men say. What the hon. the Law Member said was that he had no policy in the matter—he was interrupted; he again said he had no policy—and was again interrupted,—he continued to say that there was no policy underlying this prosecution and that each case is examined on its merits. That is exactly the point on which the hon. Members opposite asked for an assurance whether he had examined the case on its merits and whether he had such a policy as they feared, namely, the deliberate intention of using that section of the penal code in order to oppress the party opposite. Some member of that party used a peculiar argument that because certain people have signed the Simon report or are in favour of further reforms they would come under this section. Really, it seemed to me that the argument suggesting that Sir Parasuram Patro brought himself within the mischief of this section, when he expressed the view as the head of a committee of this House, that reforms ought to be introduced in the Government of this country and that the reforms which he suggested should be on such and such lines was puerile. I do not think that Sir Parasuram Patro has any apprehensions. Mr. Wood, speaking on this motion, justifiably asked the House, 'Why is it that other parties are not subject to this section?' The hon. the Leader of the Opposition himself gave the answer. He said and admitted that it is his party owing to its principles and its policy is most likely to be brought within the mischief of the section. Why should we desire to persecute the Opposition party in this way? Every one knows that cases of this kind are most unpopular with the Government itself. Every one knows that we would be glad if we had no occasion to sanction such

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[Sir Thomas Moir]

prosecutions, and I think every one knows that it is only in cases where we feel that our responsibility compels us either to take action or to be guilty of a dereliction of duty, that we do take action. For every case that has come under our consideration and on which action is taken, I assure this House, there have been a dozen on which we have stayed our hands, and with deference to which we have allowed every consideration. If hon. Members opposite suggest we do prosecute where there is the slightest ground for doing so, Heaven knows that our courts would be full. (Hear, hear.) But we do not. We consider the circumstances, and still more we consider the results that are likely to follow (Hear, hear) before sanctioning any prosecution. It is a duty charged upon us. The hon. Members opposite seem to think that when reforms come they will be able to wipe out all these laws from the statute book. May I say that you will have an even more difficult task then than we have? (A voice: Hand it over) And I can see no prospect of your being able to allow indiscriminately any individual to bring into hatred or disaffection the Government that will then exist.

"In this motion, we are under considerable limitations but, on behalf of the Government, I emphatically repudiate any suggestion that in sanctioning the prosecution either of Mr. Annapurnayya or any one else, we have been actuated by motives of prosecuting our political opponents, or attempting to hamper the expression of true political opinion."

Mr. K. KOTI REDDI:—"I move that the question be now put."

Mr. BASHEER AHMED SAYEED:—"I second it."

The motion was put and declared lost.

A poll was demanded by Mr. G. Harisarvottama Rao and the House divided thus:

Ayes.

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|------------------------------------|-------------------------------------|
| 1. Mr. P. C. Venkatapathi Raju. | 23. Mr. A. Kaleswara Rao. |
| 2. " K. Koti Reddi. | 24. " K. Uppi Sahib. |
| 3. " R. Srinivasa Ayyangar. | 25. " M. Narayana Rao. |
| 4. " Sami Venkatachalam Chetti. | 26. " C. N. Muthuranga Mudaliyar. |
| 5. " S. Satyamurti. | 27. " C. Marudavanam Pillai. |
| 6. " C. V. Venkataramana Ayyangar. | 28. " K. V. Krishnaswami Nayakar. |
| 7. " J. A. Saldanha. | 29. " C. Venkatarangam Nayudu |
| 8. " G. Harisarvottama Rao. | 30. " B. Venkataratnam. |
| 9. " Basheer Ahmed Sayeed Sahib. | 31. " A. Ranganatha Mudaliyar. |
| 10. " C. S. Govindaraja Mudaliyar. | 32. Diwan Bahadur R. N. Arogyaswami |
| 11. " Abdul Hameed Khan Sahib. | Mudaliyar. |
| 12. " L. K. Tulasiram. | 33. The Zamindar of Seithur. |
| 13. " K. V. R. Swami. | 34. Mr. K. P. Raman Menon. |
| 14. " D. Narayana Raju. | 35. " K. Nagan Gowda. |
| 15. " K. R. Karant. | 36. " C. R. Parthasarathi Ayyangar. |
| 16. " K. Madhavan Nayar | 37. " K. R. Venkatarama Ayyar. |
| 17. " P. Anjaneyulu. | 38. " P. Siva Rao. |
| 18. " A. Parasurama Rao Pantulu. | 39. " C. E. Wood. |
| 19. " C. Ramasomayajulu. | 40. " A. J. Leech. |
| 20. " T. Adinarayana Chettiar. | 41. " F. E. James. |
| 21. " Ahmed Miran Sahib. | 42. " S. N. Dorai Raja. |
| 22. Sriman Biswanath Das Mahasayo. | 43. " G. R. Premayya. |

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Noes.

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| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 26. Mr. K. Krishnan. |
| 2. " Sir Thomas Moir. | 27. " N. Siva Raj. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 28. " M. V. Gangadhara Siva. |
| 4. " Mr. A. Y. G. Campbell. | 29. " V. I. Muniswami Pillai. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 30. " W. P. A. Soundara Pandian. |
| 6. " Mr. S. Muthiah Mudaliyar. | 31. " Daniel Thomas. |
| 7. " Dr. P. Subbarayan. | 32. " S. Arpudaswami Udayar. |
| 8. Mr. Hilton Brown. | 33. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur. |
| 9. " H. A. Watson. | 34. The Maharaja of Pithapuram. |
| 10. " A. G. Leach. | 35. Rao Bahadur C. S. Ratnasabapathi Mudaliyar. |
| 11. " J. Gray. | 36. Rao Bahadur Sir A. P. Patro. |
| 12. " S. V. Ramamurti. | 37. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 13. " C. B. Cotterell. | 38. Mr. P. T. Rajan. |
| 14. " V. Ch. John. | 39. " T. K. Chidambaranatha Mudaliyar. |
| 15. " M. A. Manikkavelu Nayakar. | 40. Khan Bahadur S. K. Abiul Razaak Sahib Bahadur. |
| 16. Syed Tajudin Sahib Bahadur. | 41. Kadir Moideen Sahib Bahadur. |
| 17. Mr. H. B. Ari Gowdar. | 42. Diwan Bahadur S. Kumaraswami Reddiyar. |
| 18. " J. Bheemayya. | 43. Khan Sahib T. M. Moidu Sahib Bahadur. |
| 19. " R. Foulkes. | 44. Rao Bahadur K. Sitarama Reddiyar. |
| 20. " P. J. Gnanavaram Pillai. | 45. Rao Bahadur B. Muniswami Nayudu. |
| 21. Mahmud Shammud Sahib Bahadur. | 46. The Zamindar of Mirzapuram. |
| 22. Mr. Muppal Nayar of Kavalappara. | |
| 23. The Zamindar of Singampatti. | |
| 24. Subadar-Major S. A. Nanjappa Bahadur. | |
| 25. Mr. T. M. Narayanaswami Pillai. | |

Ayes 43. Noes 46.

The motion for closure was lost.

* Rao Bahadur Sir A. P. PATRO :—" Sir, I had no desire to take part in this discussion, but I noticed a great deal of heat and excitement which has been infused into this debate by a section of the House. Specially, I was very much taken aback by the extraordinary vehemence, not unusual, which has been exhibited this evening by the hon. Member representing the University. He is a clever advocate, and we know his forensic ability: he can make an argument quite plausible though absolutely unreal and has no case. He is more vehement when he has less argument. In this particular instance, he has been in a very unfortunate position, a position where he knows to be unreal therefore spent all his fury and energy in attacking the Law Member saying that there is no policy of the Government. When there is no case, abuse the opponent is a well known saying. From his speech the only thing one could gather, from his attacks on the Government in this matter of prosecutions, is that he criticised the Government as having no policy. He might have been a little more patient or a little more reasonable. As Sir Thomas Moir pointed out, they are not following a policy of repression, nor do they intend to terrorise any particular political party. That is a clear and definite statement made by Government in answer to what the hon. Member representing Guntur (Mr. Anjaneyulu) had said. If the hon. Member for the University as well as the Mover of the motion are impeaching the conduct of the Government in sanctioning a particular prosecution, it is for them to make out how the Government have erred and place before the House the facts and circumstances which would go against the grant of such sanction, it is for them to make out a case; and I ask in all seriousness, have they been able to place before the House any convincing facts to show

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[Sir A. P. Patro]

that a case has been made out against Government? I quite sympathize with the feeling and sentiment that no political party should be prosecuted unnecessarily and unreasonably: it would be a worst form of administration if any political party is persecuted because it is progressive and radical or because the Government policy is not agreeable to the present administration. I stand for the principle, namely, that equal political justice should be meted out to all political parties, and there should be no discrimination whatever in the matter. If I am convinced this moment that this Government is making such discriminations in granting prosecutions, that this Government has followed the policy of political repression, I would be the first person to take up the cudgels against the Government. (Voices: Oh, Oh.)

"I have listened to the very eloquent speeches made this evening, but I have not heard a single argument or allegation to show that there has been any such policy or principle underlying the prosecutions, though it has been suggested that the Government have been actuated by malicious intentions and desires. I regret very much that this motion has been tabled at all this evening while the courts of justice are still considering the matter on its merits. Owing to the restrictions imposed on the motion we are prevented from going into the merits of the case. But when a question was asked whether there is a policy of repression underlying all this, the straightforward reply came that there is no such policy of repression on the part of the Government. Therefore I am unable to support this motion."

MR. BASHEER AHMED SAYEED:—"I move the question be now put."

MR. G. HARISARVOTTAMA RAO:—"I second it."

The motion was put and carried.

The main motion was then put and declared lost.

MR. G. HARISARVOTTAMA RAO demanded a poll and the House divided thus:—

Ayes.

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|------------------------------------|-------------------------------------|
| 1. Mr. P. C. Venkatapathi Raju. | 20. Mr. T. Adinarayana Chettiyar. |
| 2. " K. Koti Reddi. | 21. " Ahmed Meeran Sahib. |
| 3. " R. Srinivasa Ayyangar. | 22. Sriman Biswanath Das Mahasayo. |
| 4. " Sami Venkatachallam Chetti. | 23. Mr. A. Kaleswara Rao. |
| 5. " S. Satyamurti. | 24. " K. Uppi Sahib. |
| 6. " C. V. Venkataramana Ayyangar. | 25. " M. Narayana Rao. |
| 7. " J. A. Saldanha. | 26. " C. N. Muthuranga Mudaliyar. |
| 8. " G. Harisarvottama Rao. | 27. " C. Marudavanam Pillai. |
| 9. " Basheer Ahmed Sayeed. | 28. " K. V. Krishnaswami Nayakar. |
| 10. " C. S. Govindaraja Mudaliyar. | 29. " C. Venkatramam Nayudu. |
| 11. " Abdul Hameed Khan. | 30. " B. Venkatratnam. |
| 12. " L. K. Tulasiram. | 31. " A. Ranganatha Mudaliyar. |
| 13. " K. V. R. Swami | 32. Diwan Bahadur R. N. Arogyaswami |
| 14. " D. Narayana Raju. | Mudaliyar. |
| 15. " K. R. Karant. | 33. The Zamindar of Seithur. |
| 16. " K. Madhavan Nayar. | 34. Mr. K. P. Raman Menon. |
| 17. " P. Anjaneyulu. | 35. " R. Nagan Gowda. |
| 18. " A. Parasurama Rao Pantulu. | 36. " C. R. Parthasarathy Ayyangar. |
| 19. " C. Ramasomayajulu. | 37. " T. R. Venkatarama Ayyar. |
| | 38. " P. Siva Rao. |

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Noes.

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|--|---|
| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 25. Mr. K. Krishnan. |
| 2. „ Sir Thomas Moir. | 26. „ N. Siva Raj. |
| 3. „ Diwan Bahadur M. Krishnan Nayar. | 27. „ V. I. Muniswami Pillai. |
| 4. „ Mr. A. Y. G. Campbell. | 28. „ W. P. A. Soundarapandian. |
| 5. „ M. R. Seturatnam Ayyar. | 29. „ S. Subrahmanya Moopnar. |
| 6. „ S. Muthiah Mudaliyar. | 30. „ Daniel Thomas. |
| 7. „ Dr. P. Subbarayan. | 31. „ C. E. Wood. |
| 8. Mr. Hilton Brown. | 32. „ A. J. Leech. |
| 9. „ H. A. Watson. | 33. „ S. N. Dorai Raja. |
| 10. „ A. G. Leach. | 34. „ S. Arpudaswami Udayar. |
| 11. „ J. Grey. | 35. Khan Bahadur P. Khalifulla Sahib Bahadur. |
| 12. „ S. V. Ramamurti. | 36. Mr. G. B. Premayya. |
| 13. „ C. B. Cotterell. | 37. The Maharaja of Pithapuram. |
| 14. „ V. Ch. John. | 38. Rao Bahadur C. S. Ratnasabapathi Mudaliyar. |
| 15. „ M. A. Manikkavelu Nayakar. | 39. Rao Bahadur Sir A. P. Patro. |
| 16. Syed Tajudin Sahib Bahadur. | 40. Mr. P. T. Rajan. |
| 17. Mr. J. Bheemayya. | 41. „ T. K. Chidambaranatha Mudaliyar. |
| 18. „ R. Foulkes. | 42. Abdul Razaq Sahib Bahadur. |
| 19. „ P. J. Gnanavaram Pillai. | 43. Khadir Mohidin Sahib Bahadur. |
| 20. Muhammad Schammad Sahib Bahadur. | 44. Diwan Bahadur S. Kumaraswami Reddiyar. |
| 21. Mr. Muppil Nayar of Kavalappara. | 45. Khan Sahib T. M. Moidoo Sahib Bahadur. |
| 22. The Zamindar of Singampatti. | 46. Rao Bahadur K. Sitarama Reddiyar. |
| 23. Subadar-Major S. A. Nanjappa Bahadur. | 47. The Zamindar of Mirzapuram. |
| 24. Mr. T. M. Narayanaswami Pillai. | |

Neutral.

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|------------------------------------|---|
| 1. Mr. S. Venkiah. | 4. Rao Bahadur B. Muniswami Nayudu. |
| 2. Rai Sahib M. Hampayya. | 5. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 3. Diwan Bahadur P. Kesava Pillai. | |

Ayes 38.*Noes* 47.*Neutral* 5.

The motion was negatived.

The House then adjourned to meet again at 11 a.m. the next day.

IX

PAPERS LAID ON THE TABLE OF THE HOUSE.

(1) *Copy of the report regarding the annual income from the Narasapur-Razole Ferry from 1896 to 1927 (vide answer to question No. 1628 answered on 2nd March 1929).^a*

(2) *Copy of the report from the Director of Industries regarding the production of cotton yarn and cloth in the Presidency (vide answer to supplementary questions to question No. 1209 answered on 31st January 1929).^b*

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

7th August 1929]

APPENDIX I.

[Vide answer to question No. 51 asked by Mr. K. R. Karant-at the meeting of the Legislative Council held on the 7th August 1929, page 148 supra.]

Minutes of the Agricultural Conference.

A conference was held at Government House on 11th January 1929 at 5-30 p.m. His Excellency the Governor presided.

Present :

The hon. the Chief Minister,
 „ Minister for Public Health.
 „ Minister for Development.
 „ the Finance Member.
 The Director of Agriculture,
 „ Director of Veterinary Services, Madras.
 „ Registrar of Co-operative Societies.
 „ Director of Public Instruction.
 „ Chief Conservator of Forests.
 „ Secretary, Development Department.

2. The formation of a Provincial Committee for implementing the recommendations of the Royal Commission on Agriculture in India in so far as they relate to this Presidency was discussed and the conclusions detailed below were arrived at.

3. In paragraph 57 of their report, the Royal Commission on Agriculture in India recommended the formation in each province of a local advisory committee. His Excellency the Governor after consultation with his Ministers and heads of departments has appointed an Agricultural Advisory Committee in Madras Presidency which will consist of the following members:—

- (1) His Excellency the Governor as President,
- (2) The hon. the Minister for Development,
- (3) „ the Minister for Local Self-Government,
- (4) „ the Finance Member,
- (5) The Director of Public Instruction,
- (6) „ Director of Public Health,
- (7) „ Registrar of Co-operative Societies,
- (8) „ Director of Agriculture,
- (9) „ Director of Veterinary Services, Madras,
- (10) „ Director of Industries,
- (11) „ Director of Fisheries,

and four non-officials to be nominated by His Excellency.

The Secretary to Government, Development Department, will act as Secretary to the Committee.

4. The Committee will hold regular meetings on the first Wednesday of each month at which His Excellency will endeavour to preside and such other subsidiary meetings as they may decide to be necessary. The Committee will have power to co-opt members, both official and non-official, for the consideration and examination of special subjects, to consult officials

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and non-officials on such subjects as they deem fit, and to appoint sub-committees of their own members and such officials and non-officials to examine special subjects.

5. The first duty of the Committee will be to examine the recommendations of the Royal Commission on Agriculture in India which have a provincial bearing and to decide which of these recommendations it is advisable to adopt in this Presidency and the best ways and means of carrying them out. In cases where the adoption of these recommendations involves the appointment of staff and expenditure of money the Committee will draw up a considered scheme and detailed estimate for submission to Government through the regular channels.

6. One object of this Committee will be to ensure that co-operation between the different departments concerned with rural welfare which the Royal Commission desire and were so anxious to secure.

7. On the suggestion of the President it was also resolved that any important subject connected with agriculture which also had any connexion with other departments of Government should be submitted by the Development Secretariat to this Committee for joint discussion and its recommendation. Such files should not, as is now the case, be circulated to the departments concerned and noted upon by such departments. The above procedure will not apply to cases in which only the Agricultural and Finance Departments are concerned. Such cases need not be submitted to the Committee.

8. A case of the nature now pending is that relating to the rates of grazing fees levied by the Forest department. With this may be linked perhaps the general question of grazing grounds and the file relating to the point raised recently by the Director of Veterinary Services, Madras, as to whether the Livestock section may not with advantage be transferred *en bloc* to the Veterinary department, excluding of course the Central Farm at Coimbatore.

9. In the same way the Committee will deal in the first place with all important proposals made by non-official agencies and now submitted to different Development Departments and in this way co-ordination will be ensured and definite policies formulated.

10. The first meeting of the Committee will be held on Thursday the 14th February 1929 at 5 p.m. at Government House.

Minutes of the meeting of the Madras Agricultural Advisory Committee held on 14th February 1929 at 5-30 p.m. at Government House.

Present :

His Excellency the Governor—*President*.

The hon. the Minister for Development.

the Finance Member.

The Director of Veterinary Services, Madras.

„ Chief Conservator of Forests.

„ Director of Agriculture.

„ Director of Industries.

„ Director of Fisheries.

„ Director of Public Health.

„ Secretary to Government, Development Department.

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Agenda.

(1) Proposal for standardizing forest grazing fees and improving the grazing facilities generally.

(2) Proposal by the Director of Veterinary Services, Madras, that all cattle-breeding and cattle work should be transferred to the Veterinary department from the Agricultural department.

(3) To consider the recommendations made in Chapter IV of the Royal Commission's report—particularly the following :—

(3) The collation and publication of all the available information regarding the composition and characteristics of Indian soils (paragraph 76).

(5) & (6) The necessity for the appointment of a Soil Physics Expert (paragraphs 77 and 78).

(12) The expansion of subsidized manurial experimental stations on the lines of that now being started at Martern (paragraphs 80 and 81).

(24) The necessity for the establishment of activated sludge plants (paragraph 84).

(29) The possibility of remission of water charges for growing green dressing crops (paragraph 86).

(31) The possibility of extending the oil-crushing industry (paragraph 87).

(36) An investigation of the economics of the bone-crushing industry (paragraph 91).

(39) Railway concessions on fertilizer transport (paragraph 95).

(42) Hybridization work (paragraph 97).

1. It was resolved to drop the first item on agenda—Proposal for standardizing forest grazing fees, etc.

The Director of Agriculture also suggested the formation of a sub-committee to examine items (1) and (2) which had much in common, in a comprehensive manner.

As it was considered both possible and desirable to consider item (2) by itself, and without recourse to any assistance from departments other than the three concerned, namely, Forests, Agriculture and Veterinary, it was decided to take up the consideration of item (2) by itself.

For this purpose, the Director of Veterinary Services, Madras, and the Director of Agriculture were requested to forward to the Secretary to the Committee memoranda giving such previous history of the proposal as was available in the official records of their respective departments, and the grounds on which they would urge for or against the proposal.

When the main issue, as to which of these two departments is best equipped to undertake the duties pertaining to cattle-breeding and livestock generally, has been settled, it is proposed to take up the question of grazing which is the only aspect of this question in which the Forest department is concerned.

2. *Recommendations contained in Chapter IV of the Royal Commission's Report—Collation and publication of information, already available, regarding composition and characteristics of Indian soils.*—The Director of Agriculture pointed out that a very considerable amount of work had already been done on this subject, but that the results of this work had never been collected and published.

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The hon. the Finance Member then drew attention to the very comprehensive classification of soils available in the settlement reports of districts, and observed that to collect all this into one treatise dealing with the subject, would entail an amount of work rather out of proportion to its value.

The hon. the President held that publication of the results of research, was part of the duties of any Central Committee for research, and that this question may wait the formation of such a committee.

(5) & (6) As this item—the appointment of a soil physics expert—had already been included in the scheme of reorganization submitted by the Director of Agriculture, it was resolved not to consider it now.

(12) *Subsidized Manurial Experimental Stations.*—The Director of Agriculture explained briefly the nature of such stations, which would be under the control and in the charge of the Agricultural department. The collaborating firms would pay for the actual cost of the trials on a pro rata basis. The only cost to Government would be in connexion with staff. An extra assistant would be needed on each such station opened. The firms participating in the scheme were desirous, partly to improve their own manures by the help of local expert experience with them, but chiefly to market manures with a definite and authoritative recommendation behind them.

The hon. the Finance Member thought that there was no objection to the scheme from any financial point of view, as Government was not asked to pay for the manure used. It was resolved that the formation of such stations might with advantage be encouraged by Government.

(29) Postponed.

(31) The Director of Industries was asked to submit a memorandum relating to the previous history of this question.

The Director of Agriculture agreed to collaborate in its preparation, as the question had an agricultural as well as a purely industrial aspect.

(36) The Director of Industries was asked to prepare a note on this.

(39) As Railways had already offered concessions, and as the question of Railway transport was really a central subject, it was resolved not to go further into the question.

(42) *Hybridization work.*—Briefly discussed.

The following questions were discussed in connexion with grazing :—

(1) Whether the Forest department had ever made any efforts to improve grazing in forests by the introduction either of fresh varieties of grass, or by improving the strains of existing grass.

The Chief Conservator referred to attempts made in the Silent Valley and in Tinnevely (Tirukurangudi Hills, near Mancholai and Navalkadai) to introduce Guinea grass. He was asked to submit a brief memorandum containing such information as was available in his department on that subject.

The Forest Panchayat Officer informed the Committee that apart from improvement of water facilities in Panchayat reserves, and the preservation of existing grass-supplies by a more judicious system of regulating grazing in such reserves, nothing had hitherto been done.

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(2) With regard to certain departmental objections that had been raised regarding the status of this Committee reference was made to the fact that its functions were purely of an advisory nature, as had been indicated in its resolution No. 7, dated 11th January 1929.

The President further pointed out that no information should be asked for from other departments of Government until such information was essential with reference to some specific question before the Committee. The Development Department had committed an error in procedure in asking for information from other departments, merely on the basis of the commission's recommendations, before such information was really needed for the purposes of the Committee.

Minutes of the meeting of the Agricultural Advisory Committee.

A meeting of the Agricultural Advisory Committee was held at the Secretariat, Stonehouse Hill, on 14th May 1929, at 11-30 a.m. His Excellency the Governor presided.

Present :

The hon. the Finance Member.

„ the Minister for Development.

The Director of Agriculture, Madras.

„ Director of Veterinary Services, Madras.

„ Director of Public Instruction.

„ Chief Conservator of Forests.

„ Director of Industries.

„ Director of Public Health.

„ Secretary to Government, Local Self-Government Department.

M.R. Ry. Rao Sahib V. Krishna Menon Avargal.

„ B. P. Sessa Reddi Garu.

„ Rao Bahadur K. S. Venkatarama Ayyar Avargal, B.A.

The Under Secretary to Government, Development Department.

Agenda for the meeting :—

(1) Proposal of the Director of Veterinary Services that all cattle-breeding and cattle-work should be transferred from the Agricultural department to the Veterinary department.

(2) Grazing. Whether the Forest department has ever made any efforts to improve grazing in forests by the introduction either of fresh varieties of grass or by improving the strains of existing grass.

(3) The establishment in all provinces of regulated markets on the Berar system as modified by the Bombay Legislation is recommended.

The system of regulated markets should be extended to products other than cotton.

Regulated markets should only be established under provincial legislation.

(Paragraphs 329 and 330 at pages 390 to 392 of the Royal Commission's Report.)

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(4) The desirability of appointing an officer of the grade of Deputy Director of Agriculture to work under the Registrar of Co-operative Societies as recommended by the Madras Committee on Co-operation might be examined. (Chapter XIII—Recommendation No. 38, based on paragraph 388 at pages 472-473 of the Report of the Royal Commission on Agriculture.)

(5) *Agenda for the June meeting :—*

His Excellency the President called upon Mr. Ware to open discussion on the first subject on the agenda. After a detailed discussion, in which most of the members present took part as to the merits of the proposal, the Committee were finally of opinion that for the present there was no case for changing the system now existing.

The second subject on the agenda was then taken up for discussion. Mr. Richmond stated that nothing effective had been done so far in the Forest department to improve the quality of grass grown in grazing areas. He challenged the note submitted by the Director of Agriculture and said that he thought that the note could not be considered as accurate. Mr. Anstead admitted his note was subject to correction and that it was meant to help the Chief Conservator with such facts as would be useful to him in drawing up the note submitted by him. After some discussion it was decided to call upon the Forest department to prepare a note for the Committee showing how the existing grazing areas could be better utilized than at present for grazing purposes.

The third subject was then taken up and it was decided that a draft Bill should be prepared to introduce a general Act for examination by the Committee and that if such an Act be introduced its application should be confined to cotton in the first place.

The fourth subject, as it was not ready for discussion, was postponed to the next meeting.

It was decided that the next meeting should be held on Monday, the 17th June 1929.

Minutes of the meeting of the Agricultural Advisory Committee.

A meeting of the Agricultural Advisory Committee was held at the Secretariat, Stonehouse Hill, on 15th June 1929 at 12 noon. His Excellency the Governor presided.

Present :

- The hon. the Finance Member.
- „ the Minister for Development.
- The Director of Agriculture.
- „ Registrar of Co-operative Societies.
- „ Director of Public Instruction.
- „ Director of Industries.
- „ Director of Veterinary Services.
- „ Director of Public Health.

M.R.Ry. B. P. Sessa Reddi Garu.

„ Rao Sahib V. Krishna Menon Avargal.

„ Rao Bahadur K. S. Venkatarama Ayyar Avargal.

The Under Secretary to Government, Development Department.

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The first subject on the agenda was :—

Item 1—Grazing in forests—

Continuation of the discussion at the May meeting. Consideration of further points on which notes were called for at that meeting.

This subject was adjourned as the note called for by the Committee from the Chief Conservator was not ready.

Item 2.—The desirability of appointing an officer of the grade of Deputy Director of Agriculture to work under the Registrar of Co-operative Societies as recommended by the Madras Committee on Co-operation might be examined (Chapter XIII, recommendation No. 38, based on paragraph 388 at pages 472—473 of the Report on the Royal Commission on Agriculture).

It was agreed that a Deputy Director of Agriculture may be lent to the Co-operative Department for a period of two years as an experimental measure, that his activities should be confined to cotton in the first instance and that at the end of the two years a full report on both the purely agricultural side of his activities and on the problem of marketing should be submitted to the Committee.

Item 3.—Seeds, seedling plants and cuttings of exotic varieties of indigenous species imported for experimental sowing or planting should be exempted from import duty.

The Director of Agriculture was for removing the duty on barley to start with. The hon. the Finance Member pointed out that it would be better to get the exemption for all seeds.

The necessity for exemption from duty was agreed upon. It was suggested that the matter may be taken up with the Council of Agricultural Research. As this is a subject in which almost all the provinces, if not all are likely to be interested, the Director of Agriculture, who is proceeding to Simla, was asked to ascertain at Simla and report as to the procedure to be adopted in cases like this.

Item 4.—No new variety should be put out unless it has been thoroughly well established that it possesses marked advantages over those already grown.

The Committee emphasized the importance as recommended by the Royal Commission on Agriculture of not introducing new varieties unless it has been thoroughly well established that it possesses marked advantages over those already grown and also that improved varieties should be thoroughly tested in the conditions under which they would be grown by the cultivator, a policy which the Madras Agricultural Department has already adopted and desires to extend.

Item 5.—In all provinces in which pumping and boring operations are in progress on a considerable scale, the engineering section should be divided into two branches, one for work on agricultural machinery and implements and the other for pumping and boring.

Before taking up this item, His Excellency the President wished to know whether immediately after the Industries Department had finished their work in boring operations the Agricultural Department were stepping in and developing further the improvements effected by the former department. The Director of Industries said that this was not being done and that in future this would be carried out.

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As action on these lines is being taken at present in this province no further action is considered necessary on these two items.

Item 6.—The preparation of suitable text-books for use in primary schools in rural areas is a matter of the greatest importance. It is essential that Text-book Committee should be so constituted as to command confidence.

The Director of Public Instruction explained the functions of the Text-book Committee and stated that there were very few books of the kind contemplated. A special officer would be required to prepare books of the kind contemplated.

Finally the Committee were of opinion that it was undesirable to attempt teaching agriculture to pupils who usually would be below twelve years and that no action need be taken on the recommendation.

Item 7.—The only method by which the advantages of the supply of combined nitrogen available in the large groups of oil seeds grown in India can be secured, is by the natural development of the oil-crushing industry and the possibilities of an extension of the industry should be investigated.

The Director of Industries pointed out that the only way to retain the oil seed manure would be to supply better methods of extracting oil so that the export of the by-products would be discouraged. The hon'ble the Finance Member stated that about twenty years ago the groundnut crop was practically unknown and that it was because there was foreign demand for the same that the ryots have taken to its cultivation on a large scale. If export was discouraged, it would induce the ryots to abandon this cultivation.

It was finally decided that it was best to leave the matter alone.

Item 8.—A thorough investigation of the economics of the bone-crushing industry is required before the establishment of bone-crushing factories at suitable centres can be recommended.

Mr. Venkatarama Ayyar instanced the case of the industry at Shiyali which turned out to be a failure.

The Director of Agriculture stated that, while about twenty years ago the price of bone-meal was Rs. 56, it is now about Rs. 120. He pointed out that if the price could be reduced to Rs. 85 there would be a ready demand for it from the ryots who could only then consider it as an economic proposition.

The Registrar of Co-operative Societies said that it was possible for some of the societies to purchase bones and sell them as bone-meal for about Rs. 85. The difficulty he found was in obtaining a demand for the same. The Director of Agriculture suggested raising export duty on these so that it may be prevented from leaving the country. He also pointed out that the price was being raised by the middlemen who were really being benefited by the high price obtained outside.

Hon'ble Finance Member pointed out that it would be difficult to prevent a ryot from selling the bone outside for Rs. 125 and compel him to utilize it for manure locally. He pointed out the fallacy in the remedy suggested inasmuch as it would be net Rs. 85, but Rs. 125 worth of manure that is used and accordingly cannot be considered an economic proposition.

It was agreed that nothing could be done to establish bone-crushing factories so long as the price of the bone-meal remained high.

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Mr. V. Krishna Menon enquired whether all the members of the Committee including the non-official members, were permitted to suggest subjects for discussion. This was agreed to.

Before the Committee adjourned, Mr. K. S. Venkatarama Ayyar on behalf of the Committee thanked His Excellency the Governor who is shortly leaving the Presidency for the great interest he has evinced in the agricultural development of this province, one of the results of which was the formation of this Committee.

His Excellency the President thanked the speaker and said that he was really glad to have been able to do something for agriculture in this province.

The meeting then terminated.

M. C. B. KOMAN.

APPENDIX II.

[Vide answer to question No. 54-A asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 7th August 1929, page 150 supra.]

- (1) Trades School, Mangalore—
 One Superintendent on Rs. 200—20—500.
 One lecturer in motor work on Rs. 125—5—175.
 One instructor on Rs. 50—2½—70.
 One clerk on Rs. 35—60.
 Two peons on Rs. 12 to 18 each.
- (2) Industrial School, Calicut—
 One Superintendent on Rs. 200—20—500.
 One lecturer in motor work on Rs. 125—5—175.
 One cabinet making instructor on Rs. 40—2½—60.
 One smithy instructor on Rs. 40—2½—60.
 One clerk on Rs. 35—60.
 One store-keeper on Rs. 35—60.
 Two peons on Rs. 12 to 18 each.
- (3) Industrial School, Bellary—
 One Superintendent on Rs. 200—20—500.
 One cabinet making instructor on Rs. 40—2½—60.
 One smithy instructor on Rs. 40—2½—60.
 One clerk store-keeper on Rs. 35—60.
 Two peons on Rs. 12 to 18 each.

NOTE.—The above staff is sanctioned for a period of five years from 1st June 1929 and the posts will be filled up only as and when required.

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APPENDIX III.

[Vide answer to question No. 57 asked by Sriman Biswanath Das Mahasayo at the meeting of the Legislative Council held on the 7th August 1929, page 152 supra.]

Scholarships awarded by the Industries Department.

	Number of scholarships.	Minimum qualifications required of scholars.
State Technical scholarships (tenable ordinarily in the United Kingdom).	8 at a time.	Qualifications are prescribed by the High Commissioner for India after consulting the Universities or other bodies under whom the training is to be given. Candidates should at least be Intermediates in Arts.
Victoria Jubilee Technical Institute, Bombay.	20 at a time in both the institutions.	Secondary School Leaving Certificate for the Victoria Jubilee Technical Institute. Intermediate in Science (first class or with distinction) for the Engineering College, Benares Hindu University.
Engineering College, Benares Hindu University.		
Indian Institute of Science, Bangalore.	14 at a time.	Graduates in Physical Science or Chemistry.
Indian School of Mines, Dhanbad.	4 at a time (one in each of the classes in a four-year course).	Intermediates in Science who have passed in the first class or with distinction.

APPENDIX IV.

[Vide answer to question No. 60 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 7th August 1929, page 156 supra.]

G.O. Mis. No. 104, Education, dated 15th January 1929.

Representation has been received from the Catholic Hierarchy in Southern India that Catholic parents are bound to send their children to Catholic schools, impliedly imposing thereby a duty on Catholic parents to insist on having schools of their own wherever the number of Catholic children permits. It has also been brought to notice that the Roman Catholics in the South Kanara district find it difficult to obtain recognition and grants-in-aid in respect of elementary schools maintained by them. With a view to avoid the inconvenience complained of, the Government commend to the District Educational Council, South Kanara, the adoption of the following principles in the matter :—

(1) Where in any locality there is scope for more than one school and where there is a reasonable number of Catholic children, the Catholics should be allowed to maintain and get aid for a school under their management. In such cases it is left to the District Educational Council to restrict admission to Catholic children or not according as it is considered by the Council and the inspecting officers that admission of non-Catholics would or would not act prejudicially to the interests of the other school or schools in the locality.

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(2) In places where it is doubtful whether there is scope for more than one school, Catholic schools may be recognized subject to the condition that admission should be restricted to Catholic children only, but aid should not be given unless it is clearly demonstrated that there is room in the locality for more than one school.

(3) In cases where there is scope for only a single school in a locality and where the aiding of more than one school would be a waste of public funds and the Catholics desire to maintain their own school in such a locality, the school should be given the privilege of recognition but should have no claim for aid. Admission should in these cases also be restricted to Catholic children.

2. The President, District Educational Council, South Kanara, is requested to report at the end of one year how the policy commended above has worked.

(By order of the Government, Ministry of Education and Local Self-Government)

J. VENKATANARAYANA,
Secretary to Government.

APPENDIX V.

[Vide answer to question No. 64 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 7th August 1929, page 159 supra.]

Letter from the Director of Public Instruction, R.C. No. 575-B/29, dated the 23rd June 1929, to the Secretary to the Government of Madras, Law (Education) Department.

[Legislative Council question—Location of girls' schools in portions of boys' schools—South Kanara district and other districts.]

The question of the overlapping of elementary schools is wider than that contemplated in the question referred to me. There may be overlapping as between any one or more of the following classes of schools:—(1) boys and girls, (2) boys and boys, (3) local authority and local authority, (4) aided and aided, (5) local authority and aided. The question referred to me concerns class (1) which may include classes (3), (4) and (5).

It does not of necessity follow that the existence of girls' schools in the same building as, or in the close neighbourhood of boys' schools involves the payment of 'double' grants or grants in excess of what would be paid to a combined school. If in an amalgamated school the same number of teachers are required as in two separate schools, no saving of teaching grant will be effected by such amalgamation. Whether it would be possible to effect a saving in provincial subsidy or in expenditure from the funds of the management by the amalgamation of schools under the management of local authorities is a matter for separate consideration. Moreover, before action can be taken with a view to the amalgamation of boys' and girls'

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schools, it has first to be ascertained whether, and if so how far, such amalgamation will result in a reduction in the attendance of girls. And where the amalgamation of schools under different managements is proposed, the opposition that is likely to be offered by one or both has first to be overcome.

4. The following statement gives the number of girls' schools located in portion of boys' schools and the number of girls' schools held in close neighbourhood of boys' schools in each local board area of the South Kanara district. As regards other districts, if the hon. Member specifies cases, enquiries will be made.

Name of local body.	Number of girls' schools held in boys' schools.	Number of girls' schools held in close neighbourhood of boys' schools.
Mangalore Municipality	2	3
" Taluk Board	1	11
Udipi Taluk Board	3	23
Puttur Taluk Board	1	7
Kasaragod	Nil.	7
Karkal	Nil.	6
Coondapoor	Nil.	3

5. In respect of Board and Municipal Elementary schools, excess payments can be avoided only in cases where these schools are opened with the aid of provincial funds. Such schools number 39 in the South Kanara district. There is unnecessary expenditure from local funds. This is equally undesirable.

6. The particulars furnished above appear to indicate that the amalgamation of certain boys' schools and girls' schools in the South Kanara district could be made without detriment to the educational efficiency of the institutions concerned and with a reduction of expenditure from public funds. Enough has been said to show that the question is not one that can be disposed of summarily. The cases of apparent overlapping now brought to notice will be considered in consultation with the District Educational Officer and the Inspectress. Also the Deputy Director for Elementary Education is about to make a comprehensive investigation into the whole question.

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APPENDIX VI.

[Vide answer to question No. 71 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 7th August 1929, page 162 supra.]

Representation received.

Orders passed.

- (1) From the Right Rev. Dr. Paul Perini, s.j., dated 7th December 1927. The memorialist's request for the transfer to him of certain lands which had been alienated to him by a third party without the sanction of Government, was sanctioned.
- (2) From the South Kanara Indian Christian Civic League, dated 11th February 1928, and from Mr. J. A. Saldanha, M.L.C., dated 19th May 1928. The Government held that as they were advised that the legal position is that the properties attached to Roman Catholic churches or other Roman Catholic institutions in British India are vested in the Pope, the previous sanction of Government will be necessary to assignment of land to Roman Catholic churches, dioceses and other Roman Catholic institutions and to alienation to such churches, dioceses and institutions of lands.
- (3) From the Right Rev. Dr. Paul Perini, s.j., dated 22nd February 1928. The Government declined to interfere with the order of the Collector of South Kanara cancelling the assignment of certain lands made to one Ganapathi Shanbogue for breach of the condition regarding alienation to a non-British subject.
- (4) From Mr. J. A. Saldanha, M.L.C., dated 21st February 1929. The Government held that assignments of lands made in favour of Roman Catholic churches in India are assignments in favour of the Pope. They considered that whether he is regarded as the owner or Supreme Administrator of the lands assigned there would be no justification for any change in the rule which requires their sanction for the assignment of lands to Roman Catholic missions.

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APPENDIX VII.

[Vide answer to question No. 78 asked by Mr. K. R. Karant at the meeting of the Legislative Council held on the 7th August 1929, page 166 supra.]

Items of work.	South Kanara district.					
	Old Kasaragod taluk now included in					
	Kasaragod, 114 villages, 761·87 square miles.		Mangalore, 25 villages, 74·16 square miles.		Puttur, 31 villages, 159·33 square miles.	
	In the quarter.	Up to the quarter.	In the quarter.	Up to the quarter.	In the quarter.	Up to the quarter.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1. Number of villages for which records have been received from the Survey Department for check and scrutiny	..	97	..	Completed.	..	Completed.
Area in square miles	..	430·07	..	Do.	..	Do.
2. Completion of preliminary accounts—						
By subordinates	..	97	..	Do.	..	Do.
Checked by superior officers. ..	..	97	..	Do.	..	Do.
3. Preparation of rough chittas and pattas—						
By subordinates	..	97	..	Do.	..	Do.
Checked by superior officers. ..	..	97	..	Do.	..	Do.
4. Appeal hearing completed	..	27	..	Do.	..	Do.
5. Field work enquiry into objection petitions—						
Completed by classifiers	1	97	..	Do.	..	Do.
Completed by Special Deputy Tahsildars	2	97	..	Do.	6	31
Passed by officers	1	96	..	Do.	10	30
6. Number of villages the records of which were handed over to the Survey Department	..	95	..	Do.	11	26
Area in square miles	..	397·73	..	Do.	59·57	113·06
7. Number of villages the records of which were finally received from the Survey Department. ..	..	95	1	25	11	18
8. Correction of accounts	..	95	1	25	11	18
9. Tahsildar's accounts—						
Completed by subordinates ..	3	94	4	25	14	18
Checked and despatched to Tahsildars	3	94	4	25	11	13

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APPENDIX VIII.

[Vide item IX—Papers laid on the table of the House at page 228 supra.]

PUBLIC WORKS AND LABOUR DEPARTMENT.

COMMUNICATION TO THE COUNCIL.

[SUBJECT.—*Annual income from the Narasapur-Razole ferry from 1896 to 1927.*]

With reference to the answer given to Question No. 1628 at the meeting of the Legislative Council, dated 2nd March 1929, the following report is laid on the table :—

*From the Board of Revenue, Land Revenue and Settlement,
No. E. 1210/29, dated 3rd July 1929.*

(1) *Clauses (a) and (b) of Question No. 1628.*—No information in regard to the collections made for the period from 7th January 1896 (the date of establishment of the ferry) to 31st March 1913 is available. From 1st April 1913 the ferry was leased out by the old Kistna District Board to Mr. Atmuri Subba Rao of Narasapur free of rent for fifteen years.

(2) *Clause (d) of the question.*—No information is available.
23rd July 1929.

A. G. LEACH.

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APPENDIX IX.

[Vide item IX—Papers laid on the table of the House at page 228 supra.]

DEVELOPMENT DEPARTMENT.

COMMUNICATION TO THE COUNCIL.

With reference to the answers given to the supplementary questions to question No. 1209 at the meeting of the Legislative Council on 31st January 1929, the following information is laid on the table :—

*Legislative Council Question No. 1209 answered on
31st January 1929.*

The Government addressed the Director of Industries for figures of production of cotton yarn and cotton cloth in the various districts of the Presidency and he has reported that

(1) Statistics of cotton spinning and weaving in Indian mills are available in the monthly bulletin published by the Department of Commercial Intelligence and Statistics,

(2) particulars of mill yarn consumed by the handlooms are not recorded in any official returns,

(3) particulars of hand spun yarn and of cloth produced from such yarn are not available, and

(4) it will not be possible to collect the information required unless a special staff is engaged for the purpose.

22nd July 1929.

A. MCG. C. TAMPOE,
Secretary to Government.